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TABLE OF CONTENTS

SAFE SCHOOL POLICY 1
DELEGATION OF AUTHORITY..... 1
PUBLICATION OF SAFE SCHOOLS POLICY 1
CONDUCT RESULTING IN SUSPENSION OR EXPULSION..... 1
HABITUALLY DISRUPTIVE BEHAVIOR..... 3
PROCEDURES FOR SUSPENSION OR EXPULSION..... 4
DISCIPLINE PPROCEDURES FOR STUDENTS
WITH DISABILITIES..... 7
EDUCATIONAL ALTERNATIVES DURING SUSPENSION
OR EXPULSION..... 11
MISCELLANEOUS PROVISIONS FOR SUSPENSION OR
EXPULSION 12
APPEALS PROCESS FOR SUSPENSION OR EXPULSION 12

ATTENDANCE INFORMATION.....	13
MIDDLE SCHOOL EDUCATION REQUIREMENTS.....	13
SEXUAL HARASSMENT.....	14
ACTIVITY GUIDELINES.....	17
SCHOLASTIC ELIGIBILITY DURING EXTRA-CURRICULAR ACTIVITIES.....	19
NONDISCRIMINATION POLICY	20
DRESS CODE	20
SHOWING AFFECTION.....	21
ELECTRONIC PERSONAL COMMUNICATION DEVICES	22
F.E.R.P.A.	23
REPORT OF SEXUAL HARASSMENT.....	27
LOCKS ON LOCKERS.....	28
ALERT SCHOOL OF CHILD’S MEDICATION/HEALTH ISSUE.....	28
ACCEPTABLE USE POLICY FOR STUDENTS.....	Separate Document
CONCUSSION – ATHELETE/PARENT.....	Separate Documents
PUPIL TRANSPORTATION RULES.....	Back Cover

SAFE SCHOOL POLICY

This policy is adopted by the Board of Education of The Garfield County School District pursuant to UCA ‘53A-11-901 through 907. It is the intent of the Board to provide every student in the district with the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption. The Board has invited and received input from district employees, students, parents, or guardians of students, and the community. The Board now adopts this policy, based on the principle that every student is expected to follow rules of conduct, to show respect for others, and to obey persons in authority at the schools. Please also refer to GCSD Policy FHA.

DELEGATION OF AUTHORITY

Students should be aware that specific behavior outlined herein and in other policies of the district, are unacceptable and will result in disciplinary action. The superintendent will enforce district policies with the aim to make students and their parents or guardians understand that unacceptable behavior will not be tolerated and will be dealt with in accordance with the Board’s discipline policies. UCA ’53-11-901.

The Board hereby delegates its authority to suspend students to principals of the schools in the District for up to ten days. And suspension or expulsion beyond the ten days is hereby delegated to the Garfield County Superintendent of Schools.

PUBLICATION OF SAFE SCHOOLS POLICY

A copy of this policy shall be posted in all schools in the district and on the district website. New students transferring to a school in the district shall be instructed to visit the district website, read the safe schools policy/student handbook, and return the **Student Handbook Signature Page** provided by the principal, which states that each individual has read and understands the student handbook.

CONDUCT RESULTING IN SUSPENSION OR EXPULSION

A student may be suspended or expelled from school for participation in any of the following prohibited conduct when it occurs in a school building, in or on school property, in conjunction with any school sponsored activity, or when it occurs in the presence of, or is directed at or against another student, or a district employee:

A. possession of a weapon, which has the meaning of the term “dangerous weapon” given under paragraph (2) of the first subsection (g) of Section 930 of Title 18, USC. “**Dangerous weapon**” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury or property or in those parts of a building, park, stadium or other structures, grounds, on a school bus, school authorized transportation, or within a 1,000 feet of school property and in conjunction with any school sponsored activity or function.

A student who is found to have brought a weapon (as defined under section 921 of title 19, United States Code) to school or to a school sponsored activity or to be in possession of such a weapon while at school or when involved in any school sponsored activity shall be expelled from school for a period of not less than one year. The superintendent may modify the expulsion requirement for a student on a case-by-case basis.

EXCEPTION: Possession of a weapon, firearm, explosive, flammable material or other material dangerous to persons or property shall not violate the above provision if possession is approved in writing by the responsible school administrator or if the item or material is present or to be used in connection with a lawful activity approved in writing by the responsible school administrator before the material in question is brought on school premises.

B. possession, using, selling, attempting to sell any firearms, smoke bomb, tear gas canister, incendiary device, flammable liquid, cigarette lighter, knives, explosive devices, fireworks, chemical weapon, martial arts weapon or any other dangerous weapon or within 1000 feet of school property, on a school bus, school authorized transportation, or at school activities or functions.

C. sells, gives, delivers, transfers, possesses, controls, or distributes alcoholic beverages, tobacco products on school property, or any controlled substance within 1000 feet of school property or any school sponsored event. The possession, sale, control, delivery, transfer or distribution of a drug or controlled substance or an imitation of a controlled substance or drug paraphernalia as defined in UCA '58-37-2 or by 21 U.S.C. 5801, UCA '58-37b-2 or by 21, and UCA '58-37a-3.

D. is under the influence of an alcoholic beverage or controlled substance on school property, within 1000 feet of any school property or school sponsored event.

E. behavior, or threatened behavior, which poses an immediate and significant threat to the welfare, safety, morals of other students, school personnel, or to the operation of the school.

F. gang participation will include any activities deemed gang related to include but not limited to:

Wearing or displaying an identifiable gang or gang-related insignia, clothing, uniform, colors, paraphernalia, adopted symbols, hand signals, writing, graffiti, nicknames, or other items identifying or representing gang association while on or within 1000 feet of school property, on a school bus or other school transportation, or at school sponsored activities.

G. hazing to include any action taken or situation created, whether on or off school premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation, admission into, affiliation with, holding office in, as a condition for continued membership or a candidate for membership in any school organization.

H. continued willful disobedience or open and persistent defiance of proper authority.

I. behavior, which unreasonably disrupts or interferes with the educational process of other students.

J. theft.

K. willful destruction or defacing of school property or any other property.

L. cheating.

M. indecent exposure.

N. swearing.

O. bullying, including any activity that subjects another student to intimidation or harassment through words or actions. If a student has been a victim of bullying, the building administrator will contact the legal guardian to inform them of the incident. The building administrator will refer to the GCSD bullying / hazing policy.

P. harassment:

Racial/Ethnic National Origin Discrimination:

- It is unlawful to discriminate against a student because of his/her race, ethnicity, or national origin.
- Each student has a right to an educational environment free from harassment.
- Harassment at school or school related functions is prohibited.

Racial/Ethnic-National Origin Harassment:

- Racial/ethnic-national origin harassment may be any behavior, verbal or physical, which is imposed by an employee or student on a student because of race, national origin, or ethnic background, which is intimidating, offensive, abusive, threatening or unwelcomed and which causes or contributes to a racially, ethnically, or national origin based hostile environment.

Such harassment may include, but is not limited to:

- Racial, ethnic, national origin oriented verbal kidding, demeaning racial, ethnic innuendos, teasing, joking, or commenting of a racial-ethnic nature.

Discipline: If harassment or discrimination is found to have occurred, the person who engaged in such behavior may be disciplined, up to and including suspension or expulsion.

HABITUALLY DISRUPTIVE BEHAVIOR

A student may be suspended or expelled if he or she is habitually disruptive and has failed or refused to completely comply with the student's remedial discipline plan.

A. a "**habitually disruptive student**" is one who has caused a disruption in a classroom, on school grounds, in a school vehicle, or at school sponsored activities or events more than three times during a school year and whose behavior was initiated, willful and overt and required the attention of school employees to deal with the disruption. A written record will be kept.

B. when a student has caused his first disruption such as described in the preceding paragraph, the student's principal, or his/her designee, shall develop a remedial discipline plan to assist the student in altering his or her conduct and avoiding the occurrence of another disruption. The principal, or his/her designee, will review the essential elements of the plan with the student at the time it is implemented. The student, parent, and principal will sign this plan.

PROCEDURES FOR SUSPENSION OR EXPULSION

When a student engages in conduct for which suspension or expulsion is possible the following procedures shall occur:

A. the principal, or his/her designee, at his/her discretion may suspend the student for up to ten days, and in addition may recommend that the Superintendent suspend the student for up to an entire school year, or its equivalent imposed over consecutive portions of two school years.

B. if a student is suspended for a period of time less than or equal to ten days then the principal, or his/her designee, shall immediately provide notice to the student's parent or guardian. Notice shall, if possible, be given by telephone with a follow-up letter. If reasonable efforts to contact the parent or guardian by telephone are unsuccessful, then written notice shall be sent to the parents or guardian. The notice, whether verbal or written, shall include the following:

1. The student has been suspended.

2. The grounds for the suspension.
3. The period of time for which the student is suspended.

The district will maintain a record of all suspended students. For each suspended student under the age of 16, the district will contact the student's parent or guardian at least once each month to determine the student's educational progress. If the student's educational progress is not satisfactory, the district may seek the cooperation of the Division of Family Services, the State Juvenile Court, and/or other appropriate agencies.

4. The date, time, and place for the parent or guardian to meet with the principal, or his/her designee, to review the suspension. This meeting shall be scheduled to occur as soon as is practical, but in all cases prior to the end of the tenth day of the suspension.

If the principal, or his/her designee has recommended that the Superintendent suspend the student for a period longer than ten days, that fact shall be included in the notice to the parent or guardian. The student shall also attend the meeting.

C. At the meeting with the student, the parent or guardian, and the principal, or his/her designee, the student shall be informed of the charges and evidence against him. The student shall be given an opportunity to tell his/her side of the story. If the parent or guardian and/or the student fails or refuses to attend the meeting at the scheduled date, time, and place, and reasonable efforts to contact them are unsuccessful, the principal, or his/her designee shall mail notification to the parent or guardian describing the charges against the student and the evidence against. *Goss v. Lopez*, 410 U.S. 565 (1975)

D. upon the conclusion of the meeting or upon a determination that the parent or guardian has not appeared for the meeting, the principal, or his/her designee shall take one of the following actions:

1. if the reported conduct provides for discretionary suspension or expulsion:
 - (a) take no further disciplinary action to extend the suspension beyond the previously stated period of suspension.
 - (b) increase the time of suspension up to a total of ten days.
 - (c) increase the time of suspension up to a total of ten days, with a recommendation to the Superintendent that the student be suspended for a period of time greater than ten days up to an entire school year or its equivalent imposed over consecutive portions of two school years.
 - (d) rescind the suspension already imposed and return the student to classes or impose disciplinary measures not including suspension or expulsion.

E. if the reported conduct requires mandatory suspension or expulsion:

1. rescind the suspension already imposed and return the student to classes.

F. If the principal, or his/her designee, recommends suspension for a period greater than ten days, he/she shall notify the Superintendent of that recommendation as soon as possible in writing. The Superintendent shall then schedule a hearing to be held with the student's parents or guardian, the student, the principal and the Superintendent. The

hearing shall be scheduled to take place prior to the tenth day of the student's suspension where possible.

1. The Superintendent shall provide written notice of the date, time, and place of the hearing to the student and his/her parent or guardian. The notice shall include a statement of the charges against the student, that suspension has been recommended beyond the ten day suspension imposed by the principal, or his/her designee, and the period of time for which suspension has been recommended.
2. The Superintendent shall preside at the conduct hearing at the appointed time and place. The District and the student may each be represented by a person of their choice. Each side may present witnesses, cross examine witnesses, and make legal arguments relevant to the issues.
3. Within five working days the Superintendent shall make a final determination of the matter. The determination shall then be placed in writing and mailed to the student and his/her parents or guardian.

The following options will be exercised:

- (a) no further disciplinary action beyond the ten day suspension imposed by the principal, or his/her designee.
- (b) rescission of the suspension already imposed and returns the student to classes.
- (c) an increase in the time of suspension for a period of up to an entire school year or its equivalent imposed over consecutive portions of two school years.

G. If the conduct requires suspension or expulsion then the determination shall be one of the following:

1. When it has been determined that a student shall be suspended for any period of time, the parent or guardian, upon meeting with the principal, or his/her designee, shall be given the option of attending all classes with the student in-lieu of excluding the student from school during the period of suspension. The parent or guardian must agree to attend all of the student's classes with the student for each day of the suspension, if this option is accepted. If the parent or guardian wishes to accept this option, the consent of the student's teachers shall be required. If granted, the student shall not be excluded from classes for the period of suspension provided the student's parent or guardian attends every class with the student.
2. If the parent or guardian fails to attend a class period with the student, or does not agree to attend class with the student, then the student will be excluded from classes and school activities from that time forward for the remaining period of suspension.

DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES.

Consistent with the requirements of Part B of the IDEA, State Rules and District Policies and Procedures, Garfield County School District establishes, maintains, and implements the following policies and procedures for disciplining students with disabilities.

A. DEFINITIONS

The following definitions apply to this section only.

1. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in Section 202 (c) of the Controlled Substances Act (21 USC 812 (c)).
2. **Weapon** has the meaning of the term “dangerous weapon” given under paragraph (2) of the first subsection (g) of Section 930 of Title 18, USC. **“Dangerous weapon”** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury.
3. **“Illegal drug”** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional, or that is legally possessed or used under any other authority under that Act or under any other provision of federal law.
4. **“Substantial evidence”** means beyond a preponderance of the evidence.

B. CHANGE OF PLACEMENT FOR DISCIPLINARY REMOVALS

For purposes of removals of a student with a disability from the student’s current educational placement as described in this section, a change of placement occurs if:

1. The removal is for more than 10 consecutive school days.
2. The student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

C. REMOVALS – TEN (10) SCHOOL DAYS OR LESS

To the extent removal would be applied to students without disabilities, school personnel may order the removal of a student with a disability from the student’s current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

D. REQUIRED SERVICES NO CHANGE OF PLACEMENT

1. Garfield County School District need not provide services during periods of removal, to a student with a disability who has been removed from his or her current placement for

10 school days or less in that school year, if services are not provided to a student without disabilities who has been similarly removed.

2. In the case of a student with a disability who has been removed from his or her current placement for more than 10 school days in the same school year, Garfield County School District, for the remainder of the removals, provides services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

3. School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

E. REMOVALS FOR WEAPONS OR DRUGS

School personnel may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 calendar days, if:

1. The student carries a weapon to school or to a school function under the jurisdiction of a state or local education agency.

2. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency.

3. The interim alternative educational setting is determined by the IEP team.

F. FUNCTIONAL BEHAVIORAL ASSESSMENT AND INTERVENTION PLAN

Within 10 school days after first removing a student for more than (10) school days in a school year, or for weapons violations, drugs violation, or behavior that is substantially likely to result in injury to the students or to others, the following actions are taken by Garfield County School District:

1. If Garfield County School District did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, the District convenes an IEP meeting to develop an assessment plan.

2. If the student already has a behavioral intervention plan, the IEP team meets to review the plan and its implementation, and modify it, as necessary, to address the behavior.

3. As soon as practicable after developing the plan and completing the assessments required by the plan, Garfield County School District convenes an IEP meeting to

develop appropriate behavioral interventions to address that behavior, and implements those interventions.

4. If, subsequently, a student with a disability who has a behavioral intervention plan and who has been removed from the student's current educational placement for more than 10 school days in a school year, is subjected to a removal that does not constitute a change of placement, the IEP team members review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more of the team members believe that modifications are needed, the team meets to modify the plan and its implementation to the extent the team determines necessary.

G. DETERMINATION OF INTERIM ALTERNATIVE EDUCATIONAL SETTING

Any interim alternative educational setting in which a student is placed:

1. Is selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP.
2. Includes services and modifications designed to address the behavior that are designed to prevent the behavior from recurring. The IEP team must determine the interim alternative educational setting.

H. MANIFESTATION DETERMINATION REVIEW REQUIREMENT*

If Garfield County School District removes, or contemplates removing a student for weapons violations, drug violations, behavior that is substantially likely to result in injury to the student or to others, or other behavior that violates any rule or code of conduct that applies to all students which results in a change of placement, the following actions are taken by the District:

1. Not later than the date on which the decision to remove the student is made, the parents are notified of that decision and provided the procedural safeguards notice described under District Policies and Procedures.
2. No later than 10 school days after the date on which the decision to remove the student is made, a review is conducted of the relationship between the student's disability and the behavior subject to the disciplinary action. The review is conducted by the IEP team and other qualified personnel in a meeting.

* Principals: For information on how to conduct a Manifestation Determination Review contact the District Office or the Special Education Director.

I. DETERMINATION THAT BEHAVIOR WAS NOT A MANIFESTATION OF DISABILITY

1. If the results of the manifestation determination review indicate that the behavior of the student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities are applied to the student in the same manner in which they would be applied to students without disabilities, except that FAPE continues to be made available to those students.
2. The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.
3. If Garfield County School District initiates disciplinary procedures applicable to all students, the District ensures that the special education and disciplinary records of the student with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
4. If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the student's current educational placement, or in an interim alternative educational setting, whichever applies.

For more information about Discipline Procedures as they apply to students with disabilities contact Garfield County School District at 435-676-8821.

J. EDUCATIONAL ALTERNATIVES DURING SUSPENSION OR EXPULSION

If a student is suspended for more than ten days, the student's parent or guardian is responsible to see that alternative educational services are provided to the student, and that such services satisfy the requirements of the state compulsory education laws.

The District will provide information to the parent or the guardian to determine how the parent's or guardian's responsibility for educational services might be satisfied.

The District will maintain a record of all suspended students. For each suspended student under the age of 16, the District will contact the student's parent or guardian at least once each month to determine the student's educational progress. If the student's educational progress is not satisfactory, the District may seek the cooperation of the Division of Family Services, the State Juvenile Court, and/or other appropriate agencies.

The Board or its designee shall provide for the continuing education of a student removed to an alternative education program which may include any or all of the following programs.

- A. in-school suspension. Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.
- B. transfer to a different campus.
- C. transfer to a community-based alternative school.
- D. home-based instruction, provided that combined days of suspension and assignment to home-based instruction shall not exceed six school days in a semester.
- E. via BYU or electronic high school independent study.

A. MISCELLANEOUS PROVISIONS FOR SUSPENSION OR EXPULSION

A suspended student shall immediately leave the school building, the school property, and/or extra-curricular activities following a determination by the parent or guardian of the student and the school officials of the best way to transfer custody of the student to the parent or guardian.

A suspension may not extend beyond ten days unless the student and his/her parent or guardian have been given reasonable opportunity to appear before the Superintendent for a hearing and respond to the allegations and proposed disciplinary action.

B. APPEALS PROCESS FOR SUSPENSION OR EXPLULSION

A student may appeal the determination of suspension or expulsion by the Superintendent to the Board of Education by filing a WRITTEN notice of appeal within ten days of the date the decision of the Superintendent is mailed to the student.

No further hearing will be held. The Board will review the evidence submitted to the Superintendent and the written determination of the Superintendent. The Board may affirm the Superintendent's decision or modify the Superintendent's decision. The Board's written decision will be issued within thirty days of receipt of the student's written notice of appeal.

ATTENDANCE PROCEDURES

In 2007, House Bill 207 dealing with truancy and compulsory education became law. This new legislation is strict and direct in dealing with violations to the Compulsory Education Law.

An absence as defined in the law is the “**failure of a school-aged minor assigned to a class or a class period to attend the *entire* class.**” This definition actually makes a tardy count as an absence since the student wasn't in class the *entire* time.

Truancy is defined in the law as an “**absence without a valid excuse.**” The only valid excuses (an excuse that will not count as truancy) according to the law and district policy are as follows:

- A doctor excused illness(doctor, dentist, eye doctor, etc.)
- The death of a family member
- An approved school activity

- An absence permitted by the student's IEP or 504 Plan
- Parent-excused* medical excuse not requiring a doctor visit
 student is too sick to come to school, but doesn't require a visit to
 the doctor. Parent needs to call or send note for documentation
 within 5 days of absence. *At administrative discretion
- Prior-approved** family leave*
 - * Parent knows in advance student will not be in attendance for
 family vacation, rodeo activity, 4-H Club, church activity.
 - *At administrative discretion—will be approved only if the leave will
 not adversely affect the student's academic progress.

Students are only allowed 5 truanies (absence without a valid excuse as defined above), before action begins. Upon the 5th truancy, a “**Notice of Truancy**” will be sent to parents/guardians giving a 5-day window in which to call the school to set up a meeting with school administration. This meeting will be held in an effort to correct the problem.

If efforts to resolve the attendance problem are unsuccessful (upon the 10th truancy in a school year, or if parents refuse to make contact with the school in an effort to resolve the attendance concerns), a “**Habitual Truant Citation**” will be issued and automatically referred to Sixth District Juvenile Court; a copy will be mailed to the home.

PARENT RESPONSIBILITY

- *Are to enroll and send the school-age minor to a public or regularly established private school.
- * Prevent the school-age minor child from being absent without a valid excuse.
- * Obtain doctor notes for school-age minor dental and illness excuses.
- * Notify the school each time the school-age minor is absent from school.
- * Meet with school authorities to discuss school attendance.
- * Cooperate with school authorities in securing regular attendance of the school age child.

STUDENT RESPONSIBILITY

- Enroll and attend school regularly.
- Avoid tardies.
- Cooperate with school authorities to resolve attendance issues.
- Participate in the “Truancy Mediation” process when it directly affects you.

TERMS DEFINED

- **SCHOOL-AGE MINOR:** A minor who is at least six (6) years old, but younger than 18 years old, and is not emancipated.
- **ABSENCE:** Failure of a school-age minor assigned to a class or class period to attend the entire class. (May not be considered absent more than one time during the day. Under this new law, TARDIES to any one class is now considered an ABSENCE).
- **(L) Late:** up to three (3) minutes from the time of the second bell – Student is assigned 15 minutes detention time.
- **(T) Tardy:** Any time after the three minute time period has lapsed.
- **Truant:** Absent without a valid excuse.

- Habitual Truant: A school-age minor who is at least 12 years old, and is truant at least ten (10) times during one school year or fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem.

COMPULSORY EDUCATION ENFORCEMENT PROCESS

- *Applies to children ages 6 to 13
- *Parents, with some exceptions, are to enroll and send their children to school.
- *The school may issue a "**Notice of Compulsory Education Violation**" if children are **not enrolled** or after **five absences** without a valid excuse.
- ***Makes it a class B misdemeanor** for a parent or guardian to intentionally or recklessly fail to enroll a school-age minor in school; or after being served with a notice of compulsory education violation, fail to meet and discuss the child's attendance problems with school authorities, or fail to prevent a school-age child from being truant five or more times during the remainder of the school year.

MIDDLE SCHOOL EDUCATION REQUIREMENTS R277-700-5.

Students in grades 7-8 shall earn a minimum of 12 units of credit to be properly prepared for instruction in grades 9-12.

SEXUAL HARASSMENT

A. General Statement of Policy

Sexual harassment is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. '2000e, et seq. and '34-35-2 et seq. of the Utah Anti-discrimination Act.

It is the policy of the School District to maintain a learning and working environment that is free from sexual harassment. The School District prohibits any form of sexual harassment.

It shall be a violation of this policy for any student or employee of the School District to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

The School District will act to investigate complaints, formal or informal, verbal or written, of sexual harassment and to **discipline any student or employee** of the School District.

B. Sexual Harassment Defined

1. Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - (a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - (b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

(c) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment environment.

2. Sexual harassment may include but is not limited to:

- (a) verbal harassment or abuse;
- (b) subtle pressure for sexual activity;
- (c) inappropriate patting, pinching;
- (d) intentional brushing against a student's or an employee's body;
- (e) demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or education status; or
- (f) any unwelcome sexually motivated touching.

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)

Baker v. Weyerhaeuser Co., 903 F.2d 1342 (10th Cir. 1990)

Level One: Generalized Harassment

- 1. Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes and is so pervasive that it creates a hostile school environment.
- 2. Examples include comments or jokes, physical gestures, and visual displays such as posters, drawings, calendars, etc.

Level Two: Individually Targeted Harassment

- 1. Includes intentional, non-criminal behavior targeted at an individual, adversely affecting the educational environment. It can be verbal, visual, or physical.
- 2. Examples include negative or offensive comments, jokes, suggestions, or gesture directed to an individual's race, ethnicity, national origin, etc.

Level Three: Criminal Harassment

- 1. Harassing behavior which violates state or federal criminal statutes.
- 2. Examples include criminal harassment, criminal assault, criminal mischief, and trespass.

C. Reporting Procedures

Any person who believes he/she has been the victim of sexual harassment by a student or an employee of the School District should submit a written report of the alleged acts immediately to an appropriate School District official as designated by this policy. The School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School District office*.

- 1. In Each School Building. The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal must notify the District Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given verbally, the

principal shall reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the District Human Rights Officer.

2. District-Wide. The School Board hereby designates *Ben Dalton, Garfield School District Office, P.O. Box 398 Panguitch, Utah 84759, (435) 676-8821*, to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals as outlined above. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Superintendent. The School District shall conspicuously post the name of the Human Rights Officer, including a mailing address and telephone number.

3. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments.

4. Use of formal reporting forms is not mandatory.

The School District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as practicable, consistent with the School District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

D. Investigation and Recommendation

By authority of the School District, the Human Rights Officer, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation may be conducted by School District officials or by a third party designated by the School District. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent of Schools and the Human Rights Officer.

In determining whether alleged conduct constitutes sexual harassment, the School District should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individuals against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the School District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

The School District Human Rights Officer shall make a report to the Superintendent upon completion of the investigation.

E. School District Action

1. Upon receipt of a recommendation that the complaint is valid, the School District will take such action as appropriate based on the results of the investigation.
2. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District. The report will document any disciplinary action taken as a result of the complaint.

F. Reprisal

The School District will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

G. Non-Harassment

The School District recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties.

H. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Utah Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

I. Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute sexual abuse and require reporting to appropriate authorities under applicable Utah law.

J. Discipline

Any school district action taken pursuant to this policy will be consistent with requirements of applicable Utah statutes and School District policies. The School District will take such disciplinary action it deems necessary and appropriate, including, but not limited to, warning, suspension, or immediate termination to end sexual harassment and prevent its recurrence.

K. Notice of this policy shall be communicated to all employees, volunteers and students.

*A copy of the form to REPORT SEXUAL HARASSMENT has been included in the back of this policy in which an original can be obtained from the building administrator or the Sexual Harassment Officer: **Superintendent Ben Dalton, (435) 676-8821**

ACTIVITY GUIDELINES MINIMUM STANDARDS (Grades 7-12)**

The Garfield County School District sees the value in student participation in extra-curricular activities to supplement the educational program. By definition extra-curricular activities are school sponsored activities that are not directly related to instruction of the core curriculum, but that may have an indirect relationship to some areas of the curriculum. They offer worthwhile and significant contributions to a student's personal, physical, and social development. **Participation in extracurricular activities is a privilege – not a right** and students must meet specific requirements in order to participate. Each school reserves the right to make and uphold rules and/or guidelines that are equal to or greater than the rules stated here. These are to be provided in writing to students and parents.

Any activity in which a student chooses to participate that spans the full year, i.e. drill team, cheerleading, debate, etc., will fall under these activity guidelines from the first official practice date or the first official activity and shall extend through the remainder of the year and/or the end of the activity the student is participating in. (For example: if a drill team member is announced to have made the team for the upcoming year at the end of a year, she falls under the activity guidelines as of the date of the first official practice of any activity she will participate in, until the activity is completed).

It will be the responsibility of each coach and/or activity director to develop rules and guidelines in addition to this policy for the effective operation of the activity. A contract shall be issued to each participant with a signature from the student, parent or guardian, and the coach. A copy of this contract shall be kept on file in the principal's office and a copy shall be given to the participant.

A. The extra curricular activities include, but are not limited to: baseball, volleyball, girls and boys basketball, wrestling, golf, track, drill team, cheerleading, sterling scholar, drama, F.F.A., F.C.C.L.A., F.B.L.A. Debate, performances, competitions, contests, demonstrations, displays and youth leadership organizations.

B. Garfield County School District supports the UHSAA and the U.S. Supreme Court ruling regarding education: first, to prepare students to be good citizens and second, to teach them to be self-reliant and self-sufficient. Activities should contribute to both of these goals. The use of alcohol, tobacco products, or other drugs deters the realization of these goals. Every effort shall be made at the local, region and state levels of participation to eradicate the promotion, use, or abuse of alcohol, drugs, and tobacco with regard to participation in high school sports and activities. Limitation for participation of students in Utah High School Activities regarding the use of alcohol, tobacco products, and other drugs during a sports season, as defined by the Garfield County School District is as follows:

First offense: A six week suspension (minimum of 30 consecutive school days) from games, meets, matches, competitions or performances. Student participation and completion in an assessment by a licensed substance abuse intervention, treatment program, or school approved course directed by the school counselor. The course will be a minimum cost of \$75.00 at the student's and /or parent/s expense. Practice may continue at the discretion of the coach and principal.

Second offense An eighteen week suspension (minimum of 90 consecutive school days) from all games, meets, matches, competitions, performances and practices. Reinstatement of eligibility at the end of the eighteen week suspension is predicated upon the successful completion of principal approved formal assessment, intervention and treatment program at the student's and/or parent's expense. This is the responsibility of the student and his/her parents. In all of the foregoing offenses, which deal with discipline, suspension, corrective measures, parents/guardian involvement, rehabilitation, and so forth, must be met.

School generated sports contract requirements that exceed those set forth in the foregoing offenses will take precedence.

C. A student in violation of the activities drug and alcohol policy may also be subject to the general provisions contained in the main policy drug and alcohol section of the general Safe Schools Policy.

D. If a student violates the above alcohol, tobacco, or drug rule between sport/activity seasons, their 30-day suspension shall begin on the first day of legal practice of the next sport/activity in which they want to participate, (i.e., after baseball season finished, a violation occurs and the person is a basketball player, then the suspension will begin the first legal day of basketball practice). This rule will not apply to activities that end with the regular school year.

Violation of any school rules (sluffing, excessive tardiness, theft/shoplifting, etc.) may result in temporary or permanent suspension from participation in activities, a student body position, or office in Garfield Schools.

Violations carry over year to year and sport/activity to sport/activity in a participant's career (there is no 'fresh start' each year.)

Any student caught sluffing will be benched for one (1) activity for each sluff. The third sluff will result in ineligibility for the remainder of the sport season.

Students who break the law, should deal with the law. Students who participate in theft or shoplifting may be immediately turned over to the law enforcement. It will then be law enforcement's responsibility to deal with the students involved and to notify their parents or guardians.

The school may implement normal sanctions appropriate to the rule/law/violation along with any penalties that result from the juvenile court system. Once evidence has been collected that establishes the guilt of the individual student appropriate sanctions should take place immediately.

Students participating **must attend a full school day** to participate in activities.

Participating students must ride the activity bus to event. Boys will sit in one area and girls in another. If a student needs to leave the bus for any reason, written permission is required *prior* to departing for the activity. He/she will be allowed to do so only if the student is released to their parents or legal guardian. Or if the school officials have in their possession a verified note from the student's parent or legal guardian, in addition to the note, parents need to contact appropriate school officials.

SCHOLASTIC ELIGIBILITY DURING EXTRA-CURRICULAR ACTIVITIES

A. To be eligible for participation, a student must be a full time student. Eligibility will end with the graduation ceremony of the year he/she completes the graduation requirements.

B. District approved home school students may participate if they satisfy the requirements of law #R277-700 and #R277-438-4 and they maintain complete and accurate academic records.

C. No student who is ineligible for a grading period should represent the school in any pre-season or practice contest with varsity, junior varsity, sophomore, or freshman teams. (UHSAA Handbook, page 29)

D. The **date grades are posted** becomes the date which the scholastic rule is applied. (Article 1, Section 7, UHSAA Handbook, page 21)

E. An incomplete is considered a failure until it is made up. Deficiencies must be made up in the same subject area. (UHSAA Handbook, page 21)

F. No student shall be eligible to compete in any athletic contest sponsored by the UHSAA unless such student has a physician's certificate (pre-participation – Form A, previous participants – Form B) stating that he/she is physically able to compete in interschool athletic contests. The required "Tryout Checklist" which outlines the UHSAA eligibility rules and standards that must be followed, must also be completed. (UHSAA Handbook, page 22) To try out for a team, the student must have a minimum of a 2.0 GPA and no failing grades for the previous grading period. A failing grade (F) during any season will make the student ineligible.

G. At any time during a grading period, if a teacher determines an activity participant to be in academic difficulty, or is a behavioral problem, a deficiency notice will be sent home with a copy given to the administration. The principal will notify the coach or advisor and the student will be benched from participation or traveling with the teams, in

any contest until the student is no longer in academic difficulty. If the student persists with chronic academic problems, the administration and coach may choose to release the student from participation in the activity.

H. Students who may be in academic difficulty, or demonstrates disruptive behavior may practice with the team, but not participate in any contest, until the eligibility requirements have been satisfied.

All participants, in signing this agreement, do hereby agree that they will support and sustain the rules of this high school or forfeit their position.

INSURANCE:

All participants and parents understand that it is their responsibility to provide their own insurance coverage. Each year the school sends home an application for an insurance program for which you may enroll. However, this is an independent insurance company that provides insurance for students and is in no way a policy provided by the school district. Please note that this insurance is not a primary insurance and is only secondary, which will pay in addition to your primary insurance. Prior to the season, **all participants in all activities will provide the school with evidence of personal health insurance.**

* These guidelines in no way supersede the Utah High School Activity Association.

** Activity advisor may have additional and/or more stringent guidelines.

NONDISCRIMINATION POLICY

Garfield County School District does not discriminate on the basis of sex in education programs or activities. Any complaints or concerns can be directed to the building administrator. For further grievance concerns please follow Grievance Procedures as outlined in the School Board policy. Copies of the Nondiscrimination Policy are available at the Garfield County School District Office.

DRESS CODE

452. Dress Code For Students

451.2 Dress and Grooming Standards

452.11 Students who attend the schools of Garfield County are expected to support the following standards:

- a. The attire and grooming of all students should be neat, clean, and safe.
- b. Students have the responsibility to avoid an appearance and apparel that interrupts school decorum, or adversely affects the educational process.
- c. Students have a responsibility to cooperate fully with clothing standards required for special classes (like shop, PE, home economics, laboratories, etc.) and special school activities.
- d. Hair, including beards, mustaches and sideburns, should be groomed so that they are neat and clean.

- e. Printed apparel is acceptable only if it is in good taste. Any apparel displaying profanity, suggestive slogans or promoting substances illegal for consumption (alcohol, tobacco, drugs, sexual connotation, etc.) by a minor, will not be allowed.
- f. Headwear is not to be worn in school buildings during school hours.
- g. Clothes that are mutilated or immodest, such as tank tops, half shirts, jeans with holes and cutoffs, are not appropriate school wear. Apparel revealing a bare midriff or bare shoulder and any other inappropriate exposure is not permissible. Shorts must reach to mid-thigh. Inappropriate clothing is not limited to the above. Jeans need to be worn high enough on hips to not expose undergarments.
- h. All dress should be modest, not revealing, not too tight, and have no holes.
- i. Any apparel approved for school wear should be worn in accompaniment with appropriate undergarments and suitable footwear.
- j. Athletic and pajama type clothing are not to be worn in academic classes.
- k. Principals have discretion to make administrative decisions on inappropriate grooming and attire.

452.12 Student Notification

Administrators in the respective schools will notify students when they do not comply with the dress and grooming standards.

452.13 Action

The following actions may be taken:

- a. Students may be sent home to change clothing.
- b. Parents may be notified.
- c. Suspension from school for continued disregard for the dress and/or grooming standards.

452.14 Grievance procedures

Grievance procedures are outlined in school board policy.

Copies of this procedure will be made available upon request.

SHOWING AFFECTION

Schools are places of learning that maintain a high moral standard.

Romantic behavior that involves physical contact, such as hugging, kissing, etc., is inappropriate and is not to be done at school.

The prohibition on inappropriate physical contact extends to traveling on school buses.

The School Board has designated each school principal or head-teacher as the authorized authority to discipline incidents of inappropriate physical contact.

ELECTRONIC COMMUNICATION DEVICES

Students may use or possess personal communication devices on Garfield County School District property during school hours or while participating in school sanctioned events.

Please see the BYOD Bring You Own Device Policy at,
http://www.garfield.k12.ut.us/images/docs/GCSD_BYOD_Policy_Agreement-Approved%206142012.pdf

Please see the Electronic Device Policy at,
<http://www.garfield.k12.ut.us/images/docs/Electronic%20Device%20Policy.pdf>

F.E.R.P.A.

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate or misleading. Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the School principal [or appropriate official], clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office U.S. Department of Education
400 Maryland Avenue, SW Washington, DC 20202-4605**

The Family Educational Rights and Privacy Act (FERPA), a Federal law, also requires that Garfield School District with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the District to include this type of information from your child's education records in certain school publications. Examples include:

A playbill, showing your student's role in a drama production;
the annual yearbook; honor roll or other recognition lists;
graduation programs; and sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. *

If you do not want Garfield School District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by **September 2, 2014**. Garfield School District has designated the following information as directory information:

Student's name
Participation in officially recognized activities and sports
Address
Telephone listing
Weight and height of members of athletic teams
Electronic mail address
Photograph
Degrees, honors, and awards received
Date and place of birth
Major field of study

Dates of attendance
Grade level
The most recent educational agency or institution attended

* These laws are: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the No Child Left Behind Act of 2001 (P.L. 107-110), the education bill, and 10 U.S.C. 503, as amended by section 544, the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.

REPORT OF SEXUAL HARASSMENT

This form is protected by the Privacy Act of 1974 and shall be maintained confidential by the building administrator and the School District.

Name _____ Home _____ Phone _____

Street Address _____

Employment Position _____

School & Street Address _____

Persons involved _____

Witnesses (if any) _____

Description of dates, places, and nature or sexual harassment: (please attach additional page if needed) _____

Signature of Complainant _____ Date _____

ACCEPTABLE USE POLICY (see separate document)

Please see attached student Acceptable Use Policy. Please sign and return to the school the Student Handbook Signature page provided

STUDENT LOCKERS

Lockers are provided for the student's convenience. Students should not bring anything of value to school to leave in their lockers unless they request a lock be put on their locker (provided by the school). The school and district are not responsible for lost or stolen items. Furthermore, it should be noted that school lockers are property of the school district and therefore are subject to search by administration at any time.

ALERT OF CHILD'S MEDICATION/HEALTH ISSUE

It is the parents' responsibility to alert school administration if their child is on a medication that needs to be administered while the child is at school or has a health issue that the school needs to be aware of.