



Student Code of Conduct (K-12)

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PREFACE

The purpose of this conduct code is to assist all students, parents, guardians, teachers, administrators, and other discipline school personnel in understanding their rights and responsibilities, the consequences for violation of school rules, and the procedures that are used for dealing with rules' violations. Care has been taken to ensure that this code is aligned to school board policies and district wide procedures so that all students receive consistent, equitable behavioral intervention, support, and discipline.

A note about students with documented disabilities protected under IDEA, Section 504 of the Rehabilitation Act of 1973 or students with a health plan in place: Student discipline decisions must be made with accommodations and disabling conditions in mind. Manifestation determinations will be completed prior to any due process hearing.

The Ogden School District is interested in maintaining good communication between the parents and school personnel. Parents are encouraged to contact or visit their child's school.

GENERAL GUIDELINES OF CONDUCT

The Ogden School District will provide all students with access to our Student Code of Conduct. Students should realize they are free to make choices, that they are responsible for their choices, and that there are consequences (favorable and unfavorable) for their choices. The school district has established three guidelines to help students make responsible choices:

1. Students will respect the rights and property of themselves and others;
2. Students will respect the health and safety of themselves and others;
3. Students will behave in such a manner as to contribute to a positive environment for learning and work.

These guidelines are in effect at all events sponsored by the Ogden City School District, both on and off-campus events; on the way to and from school; and school-sponsored transportation. These rules must also be consistent with Board policy and philosophy. Misconduct that occurs off-campus at a non-school activity may be addressed by school personnel if the misconduct has a sufficient nexus to school or causes or is likely to cause a substantial and material disruption at school.

STUDENT CONDUCT GUIDELINES

The following criteria will be used in determining a student's citizenship grade. Also, these guidelines will assist students in transitioning effectively from school to work. Responsible citizenship includes the following behaviors:

1. Attends scheduled class/work regularly.
2. Comes to class on time.
3. Comes to class with necessary materials and desire to learn.
4. Completes assignments.
5. Meets deadlines.
6. Completes his/her own work when independent work is required.
7. Exercises care of public property, including school property.
8. Shows respect for others.
9. Does not disrupt class/work.
10. Resolves conflicts with others in an appropriate and respectful manner (*including restorative justice practices including; appropriate restitution, apologies, and accepting responsibility*).

Teachers will discuss and explain the above guidelines with their students. Additional expectations may be written and posted as part of each individual teacher's classroom policy. These behaviors are critical components of proper citizenship. If, during the grading period a student's citizenship grade is unsatisfactory, the teacher will discuss ways for improvement with the student and a parent at a point in the grading period when there is still enough time for the student to make the necessary change(s). Should there be no improvement in the student's effort to improve the citizenship grade, the parents will receive notification.

PARENT NOTIFICATION

When students are suspended during the school day, the school will notify the parent or guardian of the action before the student is released early from school. In addition, the student will be given a written notice of suspension, which the student should deliver to the parent or guardian. If a parent is unable to be contacted by phone, the building administrator will make a determination of how best to make contact with the parent/legal guardian prior to the suspension taking effect.

DISCIPLINARY PROCESS & DISTRICT CASE TEAM (Civil And Safe for Everyone)

Ogden School District believes that discipline should be addressed at the school level as much as possible where the student already has connections with supportive adults, where relationships have already been established. For most violations of the Code of Conduct, a school-based (Tier 2 ChAT or Tier 3 ChAT) team should address the situation. For Level 5 Violations, the student should be referred to the District CASE Team.

The purpose of the Ogden School District CASE Team is to promote a civil and safe learning environment for all students by identifying activities and behaviors that detract from a student's educational experience and develop support plans to ensure all students receive consistent, equitable behavioral intervention, mental health support and discipline where necessary. Team is also committed to progress monitoring and follow-up as needed to address the root causes of inappropriate activities and behaviors and teach and/or re-teach the necessary skills or provide access to resources when the violation or infraction is outside of the scope of that which the school-based (Tier 3) team would address.

The CASE Team uses multiple sources of information to identify activities and behaviors that detract from a student's educational experience. This includes:

- Discipline referrals (major incidents)
- Investigation documentation (e.g., principal statement, interviews with student and witnesses, etc.)
- Official student reports/data (*benchmark assessments, progress monitoring, report cards, responses to targeted behavior intervention, responses to targeted instruction/intervention, IEPs, etc.*)
- Interviews with the student, parent, school counselor, teachers, administrators and others as needed
- Other academic, social, behavioral, and psycho-educational assessments as needed
- Attendance records

- Risk/Threat Assessment

The CASE Team will review major violations of the OSD Code of Conduct (Level 5 Violations) that result in a suspension of more than four (4) days. Requests for out of school suspensions exceeding 4 days must be in writing to Student Advocacy Services within 24 hours of the incident and will be reviewed by the CASE Team.

Due process is an administrative procedure outside of a CASE Team review and is followed to protect the rights of the students when a student is recommended for suspension long-term (10 or more days) or removal to an alternative school setting, including shortened schedules (*see section on Due Process*).

CASE Team Philosophy and Beliefs

- All students must be treated with respect
- Students can and should be taught the skills and behavior needed for success
- Motivation and responsibility should be encouraged through positive interactions and building relationships with students
- Student misbehavior provides teaching opportunity
- Collaboration is critical. All school and district staff members must work together to help students behave responsibly and to meet student needs

DUE PROCESS

Due process is an administrative procedure followed to protect the rights of the students when a student is recommended for suspension long term (10 or more days) or removal to an alternative school setting. A student has the following rights prior to a long term suspension or removal (*including shortened schedules*):

1. Written notice of the allegations and of the opportunity for a hearing before an impartial hearing officer.
2. If requested, a hearing before an impartial hearing officer where an explanation of the evidence is presented.
3. An opportunity to refute/respond to the evidence at the hearing
4. Representation at the hearing.
5. A written notice of the decision of the hearing officer and information about appeal procedures.
6. An opportunity to appeal before the school board. Information about the appeal procedures will be provided in writing

APPEALS

A student who is suspended for longer than 10 days or expelled from school following a hearing before an impartial hearing officer at the district level, has the right to appeal that determination to the school board or the school board's designee. The student must submit a written request within ten (10) school days of receiving the decision of the hearing officer, outlining the reasons that the long-term suspension or expulsion should be overturned. The school board or designee will review the student's appeal along with the written decision from the hearing officer and will make a determination to either uphold the hearing officer's decision, overturn it, or modify it. The school board or designee may, in its discretion, meet with the student if it desires more information prior to issuing its decision. The decision from the school board or designee must be issued within five (5) school days.

INFRACTIONS

Student misconduct will be met with disciplinary action that ranges in severity according to the nature of the misconduct. Disciplinary action will focus on restorative justice practices that attempt to rehabilitate and teach student appropriate conduct rather punitive practices that serve only to punish. However, restorative justice is not always an appropriate response to certain misconduct that is severe and dangerous to others. Ogden School District reserves the right to determine the most appropriate discipline for a student within the range of options provided for below under each level of infraction, and based on the following set of aggravating and mitigating student factors:

Aggravating factors	Mitigating factors
<ul style="list-style-type: none"> ● Repeat offense of the same nature ● The offense occurred close in time to the previous offense ● Persons were physically or emotionally harmed ● Intent to harm ● Physical capability to harm ● The offense was egregious 	<ul style="list-style-type: none"> ● First time offense or first time offense of that nature ● No intent to harm ● No one was hurt, either physically or emotionally ● No physical capability of harm ● The offense was not egregious

The acts of misconduct described in each level are not intended to be comprehensive, particularly the minor infractions (Level I and Level II and some Level III). Teachers and administrators reserve the right to impose appropriate disciplinary action regardless of whether the particular act of misconduct is identified below.

The disciplinary action described in each level is also not intended to be comprehensive. Provided the discipline is within the range of the minimum to maximum disciplinary action, an administrator or teacher may impose appropriate disciplinary action not described below. Also, more than one of the described disciplinary actions may be imposed for a single incident so long as it does not serve to dramatically increase the consequence. For example, a student may be suspended for 3 days and also be referred to Youth Court for an L3 infraction. A student may not be given out-of-school suspension for less than 9 days plus an additional out-of-school suspension for 9 days.

Level I – INFRACTIONS
(Must be entered in Educator’s Handbook)

These acts of misconduct include those student behaviors which are generally described as mildly disruptive, but which disrupts the safe and orderly educational process in the classroom, on school grounds, or at any school related function or activity.

Acts of Misconduct – Level I
<ul style="list-style-type: none"> ● Disruptive Behavior ● Failure to carry out directions ● Out of bounds ● Misuse of materials (e.g. writing on desks, use of another’s property, etc.) ● Violation of the Dress Code Policy 9.308 ● Littering ● Mild Physical Contact ● Not in possession of I.D. (if required) – must be visible wearing the ID above the waist ● Tardiness to classes in junior high or high school ● Use of profanity or name calling

Disciplinary Action: Disciplinary action will take into consideration both aggravating and mitigating factors as described above.

Minimum Discipline for L1 Infraction: Redirect/Re-teach by classroom teacher

Maximum Discipline for L1 Infraction: Office referral

Continuum of Discipline:

- Redirection/Re-teaching
- Staff intervention
- Think-time
- Time owed
- Loss of privileges
- Parent Contact

- Teacher-student-parent conference
- Officer referral
- Detention (lunch, after school, recess)

Level II – INFRACTIONS
(Must be entered in Educator’s Handbook)

These acts of misconduct include those behaviors which are deliberate and which disrupt the safe and orderly educational process in the classroom, on the playgrounds or at any school related function or activity. This includes, but is not limited to the following:

Acts of Misconduct – Level II

- Cheating on homework assignments
- Displaying disrespect/insolence, leaving the classroom without permission, refusing to show/no I.D., etc.
- Repeated tardiness in junior high and high school (failure to respond to intervention/support plan)
- Harassment, verbal/physical (non-sexual).
- Leaving school grounds without permission
- Loitering (being in a location on school grounds without permission during or after school)
- Possession, posting, or distributing unauthorized materials on school grounds
- Throwing potentially dangerous objects (snowballs, stones, pencils, etc.)
- Participating in unacceptable physical contact that does not rise to the level of a fight (intent matters: rough horseplay, consensual kissing (inappropriate public display of affection), etc.)
- Unauthorized use of electronic devices. For Elementary, this means using or having a personal electronic device on school campus, on the bus or at school sponsored activity unless specifically permitted by the building principal. For Secondary: having devices out and turned on during instructional time; using a device that disrupts or detracts from the educational environment; using cellular phones or other devices in the classroom, media center, or during fine arts performances, leaving the classroom in response to devices, unless with the approval of school principal, teachers, or in the case of a medical emergency.
- Lying to teacher or other school staff
- Theft of minor objects (value less than \$50)

Disciplinary Action: Disciplinary action will take into consideration both aggravating and mitigating factors as described above.

Minimum Discipline for L2 Infraction: Redirect/Re-teach by classroom teacher and parent notification

Maximum Discipline for L2 Infraction: Out-of-school suspension for 1 day

Continuum of Discipline:

- Staff intervention
- Redirection/Re-teaching
- Staff intervention
- Think-time
- Time owed
- Loss of privileges
- Teacher-student-parent conference
- Office referral
- Referral to ChAT
- Detention (lunch, after school, recess)
- In-school suspension (1-3 days)
- Out of school suspension (1 day)

Level III – INFRACTIONS
(Must be entered in Educator’s Handbook; parent/guardian contact required)

These acts of misconduct include those student behaviors which are described as seriously disruptive and are in clear defiance of authority. These student behaviors clearly disrupt the safe and orderly educational process in the classroom, on the school grounds or at any school related function or activity. This level includes but is not limited to the following:

Acts of Misconduct – Level III

- Cheating/plagiarism on tests, exams, or school projects that is more than a simple homework assignment (in this instance the student will receive a failing grade on that particular assignment)
- Chronic tardiness in junior high and high school (failure to respond to revised intervention/support plan)
- Dangerous/destructive behavior in any educational setting including school bus, vehicle, etc.
- Damage to property...
- Forging signatures of parents/teachers, etc.)
- Interfering with school authorities or program causing a substantial and material disruption to the environmental education through walk-outs, boycotts, sit-ins, or trespassing
- Smoking/vaping/chewing/using/possession tobacco and/or nicotine products (includes all use of e-cigarette), possession of a lighter
- Truancy - failing to attend class without a valid excuse
- Using obscene, indecent, biased language or behavior; including racial slurs, offensive gestures, flashing gang signs, etc.
- Verbal assault (abusive language or profane language directed explicitly at students or staff)
- Bullying and Cyberbullying¹ (intentionally or knowingly committing an act that goes beyond L2 disrespect with intent to cause distress and/or harm; explicit intervention and instruction must be provided to inform students of what bullying is prior to deeming it a bullying incident)
- Insubordination - Disrespect and insolence when refusing to comply with directives, including use of profanity directed at adults. Conduct that rises above a L2 disrespect.²
- Repeated violation of student dress code.

Disciplinary Action: Disciplinary action will take into consideration both aggravating and mitigating factors as described above.

Minimum Discipline for L3 Infraction: Parent-Teacher Conversation

Maximum Discipline for L3 Infraction: Suspension for 4 days

Continuum of Discipline:

- Parent-Teacher Conference/Parent-Counselor Conference (with or without student)
- Loss of privileges
- Office referral for administrative intervention
- Referral to ChAT

¹ Bullying is defined in Utah Code 53G-9-601 as intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

- (a) causing physical or emotional harm to the school employee or student
- (b) causing damage to the school employee's or student's property;
- (c) placing the school employee or student in reasonable fear of (i) harm to the school employee's or student's physical or emotional well-being; or (ii) damage to the school employee's or student's property;
- (d) creating a hostile, threatening, humiliating, or abusive educational environment due to (i) the pervasiveness, persistence, or severity of the actions; or (ii) a power differential between the bully and the target; or
- (e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

Cyberbullying is defined in Utah Code 53G-9-601 as using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent, knowledge or thoughtless disregard that the text, video, or image could hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication. Bullying and Cyberbullying require specific communications home. Schools have templates for the required notification for the bully and the victim. Bullying may include civil rights infractions and/or be raised to the level of ongoing harassment (L4). If you suspect civil rights have been violated, contact the district Federal Programs office at 801-737-7308.

² Insubordination is defined as: exceeds disrespect/insolence (L2); exceeds derisive abusive language defined as verbal assault (L3) refers to explicit and strategic challenge of authority, even taking authority from the supervisor when given a reasonable or lawful order. Generally this is in reference to a needed command in circumstances of heightened severity and not in response to a standard classroom or school direction since failure to follow basic directions is an L1 infraction.

- Detention for 1 – 5 days (lunch, recess, after school)
- In-school suspension for 1 – 5 days
- Referral to smoking cessation course (for smoking infractions only)
- Payment of a fine (for smoking infractions only)
- Youth Court Referral
- Out of school suspension for 4 days
 - *Requests for out of school suspension exceeding 4 days must be in writing to Student Advocacy Services within 24 hours*

Level IV – INFRACTIONS

(Must be entered in Educator’s Handbook and SIS; parent/guardian contact required)

These acts of misconduct include those behaviors which are described as seriously disrupting the safe and orderly educational process in the classroom, on school grounds or at any school related function or activity. In many cases, these behaviors are also illegal. This level includes but is not limited to the following:

Acts of Misconduct – Level IV
<ul style="list-style-type: none"> ● Disorderly Conduct (fighting) ● Gang behavior/activity ● Hazing³ ● Inciting a fight (includes promoting/advocating for the fight verbally, online, filming and/or posting/sharing, etc.) ● Making a false report of sexual harassment ● Petty Theft (Items valuing \$50 to \$500) ● Possession of a lighter or incendiary device with intent to harm person or property ● Possession and/or sale of stolen property ● Possessing/Accessing sexually explicit material (pictures, writing, paraphernalia, etc.)* ● Physical/emotional harassment (includes but is not limited to repeated bullying and cyberbullying and other ongoing/repeated efforts harm other physically or emotionally) ● Sexual Harassment⁴ ● Use of intimidation, coercion, extortion, force, or threat (Bullying/Cyberbullying)* ● Accessing VPN (Virtual Private Network) and/or bypassing Internet filters*
<p><i>*These infractions must be reported to an administrator and district IT department for immediate investigation.</i></p>

Disciplinary Action: Disciplinary action will take into consideration both aggravating and mitigating factors as described above.

Minimum Discipline for L4 Infraction: Office referral and parent/administrator conference

Maximum Discipline for L4 Infraction: Recommendation for long term suspension or removal

Continuum of Discipline:

³ *Hazing is defined in Utah Code 53G-9-601 as intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that: (A) endangers the mental or physical health or safety of a school employee or student; (B) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; (C) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or (D) involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; AND (A) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or (B) is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.*

⁴ *Sexual harassment consists of verbal or physical contact of a sexual nature considered to be suggestive, demeaning or offensive to others or self.*

- Conference with teacher/counselor, student, parent
- Loss of privileges
- Referral to ChAT
- Law enforcement referral
- Service restitution
- Youth Court
- CASE Team Referral
- Out of school suspension for 1-9 days
 - *Requests for out of school suspension exceeding 4 days must be in writing to Student Advocacy Services within 24 hours*
- Out of school suspension for 10 or more days (subject to a due process hearing)
- Removal to an alternative school setting (subject to a due process hearing)

Level V – INFRACTIONS

(Must be entered in Educator’s Handbook and SIS; parent/guardian contact required; CASE Team Referral required)

These acts of misconduct include those illegal and continually disruptive student behaviors which most seriously disrupt the safe and orderly educational process in the classroom, on the school grounds, or at any school function or activity. This level includes, but is not limited to the following:

Acts of Misconduct – Level V
<ul style="list-style-type: none"> ● Aggravated assault (assault with a weapon-jewelry, brass knuckles, etc.) ● Arson ● Assault and battery ● Distribution, use or possession* of alcohol or illegal, dangerous controlled drugs or other substances masquerading as illegally controlled drugs (includes misuse of prescription medication or unauthorized use of such medication per board policy 8.39) and/or related paraphernalia ● False activation of fire alarms, bomb threats, etc. ● Possession, distribution, concealment, use or threatened use of a flammable, noxious or explosive device, any gas-ejected device, fireworks, or any substance or device which can be used as an explosive, noxious or flammable device ● Possession, threat or attempted use or concealing of a weapon or item which may be considered to be used as a weapon ● The actual or threatened use of a look-a-like weapon with intent to intimidate another person or to disrupt normal school activities. ● Theft (Items valuing more than \$500) ● Sexual crimes, sexually explicit activities ● Vandalism – criminal damage to property ● Any other illegal behavior or criminal conduct

Disciplinary Action: Disciplinary action will take into consideration both aggravating and mitigating factors as described above.

Minimum Discipline for L5 Infraction: Referral to law enforcement and out of school suspension for 1 day

Maximum Discipline for L5 Infraction: Expulsion (*subject to due process hearing*)

Continuum:

- CASE Team Referral
- Recommendation for long-term suspension 10 or more days (subject to due process hearing)
- Removal to an alternative school setting (subject to a due process hearing)

**Above items might require investigation and reasonable searches of buildings, lockers, and persons. See Board Policy 9.303 for guidance:*

9.303 It is the policy of the Board of Education of Ogden City School District that all students possess the constitutional right to be secure in their persons, papers and effects against unreasonable searches and seizures except if reasonable grounds exist to suspect the search will yield evidence of a student's violation of the law or school rules governing student conduct. It is the policy of the Board of Education of Ogden City School District to protect the health and welfare of all students, maintaining the security of the schools and promoting the effective operation of the schools.