

I. PURPOSE

The purpose of this policy is to clearly establish Athlos Academy's protocol for issuing student suspensions and expulsions.

II. DEFINITIONS

- A. In-School Suspension: As a result of negative behavior, a student is removed from the classroom and spends the hours or days of suspension in another classroom under the supervision of a teacher, and is expected to complete all assigned work, for which they receive credit.
- B. Out-of-School Suspension: As a result of negative behavior, a student is removed from the classroom and sent home.
 - 1. Out-of-school suspension may not exceed 10 consecutive days.
 - 2. Students must make up all academic work by a specified date for which they may receive full credit.
- C. Expulsion: The most severe consequence for a student's negative behavior in which he/she is denied continued enrollment.
 - 1. Parent/guardian(s) shall be notified prior to the decision if possible, and given written notice of their right to appeal in the school's *Notice of Suspension or Expulsion*.
 - 2. A student may be expelled for up to 12 months.
 - 3. At the end of the expulsion period, a team shall meet to determine the most appropriate placement for that student which may include returning to the regular classroom, implementing a modified schedule, or choosing home school options.
- D. Qualifying Minor: A student who is at least nine years old or who turns nine years old at any time during the school year.

III. POLICY

- A. Prior to suspending or expelling a student for repeated acts of disobedience, defiance of authority, or disruptive behaviors which are not of a violent nature, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school.

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1. Alternatives to suspension and expulsion (delineated in Utah Code § 53A-11-906), include:
 - a. Procedures that allow a student to remain in school under an in-school suspension program;
 - b. A program allowing the parent/guardian, with the consent of the student's teacher(s), to attend class with the student for a period of time specified by a designated school official.
 2. Athlos Academy shall cooperate with the State Office of Education in adopting methods of motivating and providing incentives to students that:
 - a. Directly and regularly reward or recognize appropriate behavior;
 - b. Impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and
 - c. Keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;
- B. In the event of a student's out-of-school suspension or expulsion, the parent/guardian(s) of the student must be notified by Athlos Academy without delay by means of the *Notice of Suspension or Expulsion*.
1. The notice shall include:
 - a. The grounds for the suspension or expulsion;
 - b. The period of time for which the student will be suspended or expelled;
 - c. A brief statement of facts; and
 - d. The time and place for the parent/guardian(s) to meet with Athlos Academy personnel to review the suspension or expulsion.
 2. In accordance with state law:
 - a. A student may not be suspended for more than 10 school days.
 - b. It is recommended that a student not be expelled for more than 12 months.
- C. Special Consideration:
1. Athlos Academy of Utah shall abide by Utah State Board of Education rules regarding long-term discipline of students with disabilities.
 2. When a child with a disability is subject to disciplinary action that would otherwise result in expulsion or suspension for more than 5 consecutive school days or 10 cumulative school days in the

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same school year, the child's IEP team or the school's MTSS team shall meet for a manifestation review within 10 school days.

- a. This review shall aim to determine whether the behavior generating the disciplinary action was a direct result of a manifestation of the child's disability or the direct result of Athlos Academy of Utah to provide services to the child according to his/her IEP or 504 plan.
3. If it is determined that the behavior was a direct result of a manifestation of the child's disability, a functional behavior assessment will be given, if not already completed, and a Behavior Intervention Plan (BIP) will be written or revised, and the child's placement will not be changed, unless Section D of this policy applies.
 4. If it is determined that the behavior was a direct result of a manifestation of the failure of Athlos Academy of Utah to provide adequate services, Athlos Academy of Utah shall immediately remedy any deficiencies and the child's placement will not be changed, unless Section D of this policy applies.
 5. If it is determined that the behavior was not direct result of a manifestation of the child's disability or the direct result of Athlos Academy of Utah to provide services to the child according to his/her IEP or 504 plan, the child shall be disciplined as any other student not receiving special services would.
 - a. A student must still receive a free and appropriate education, as described by the remainder of this policy.
 - b. A student with an IEP must continue to receive services as outlined in the IEP.

D. Weapons Policy

1. In cases of Major infractions involving a real or look-alike weapon, explosive, or flammable material, the student responsible shall be expelled from school for a period of not less than one year.
 - a. Consequences may be reduced at the discretion of the Lead School Administrator on a case-by-case basis.
2. Within 45 days after the expulsion the student shall appear before Athlos Academy's Governing Board, at which point the Governing Board shall determine:

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- a. What conditions must be met by the student and the student's parent/guardian(s) for the student to return to school;
- b. If the student should be placed on probation in a regular or alternative school setting; and
- c. If it would be in the best interest of Athlos Academy, and the student, to modify the expulsion term to less than a year, conditioned on approval by the Governing Board and giving highest priority to providing a safe school environment for all students.

3. Students subject to section C of this policy may be removed from their current placement regardless of the outcome of the manifestation review if it is determined that the current placement is inappropriate following reasonable efforts to minimize the risk of harm in the student's current placement.

a. A student subject to the consequences may be moved to an alternative placement for up to 45 days, during which time the student must continue to receive services that allow him/her to progress in the general education and to receive all services and modifications allowed by his/her IEP and/or 504 plan.

E. Due Process for Students:

1. All charges, evidence, and action taken with regards to a suspension or expulsion shall be documented by the Lead School Administrator or designee.
2. In any meeting between the school administration and a student under consideration for out-of-school suspension or expulsion, a designated advocate for the student (such as a teacher), may be asked to attend at the student or parent/guardian(s) request.
3. Prior to expulsion, a student's parent/guardian will receive a notice that:
 - a. Describes the conditions of the proposed expulsion, including re-entry requirements;
 - b. Describes the reason for the proposed expulsion;
 - c. Invites the parent/guardian to request a hearing within ten business days of receipt of the notice; and
 - d. States that the expulsion will take immediate effect and remain in effect as stated in the notice unless a request for a hearing is made.
4. Such a hearing, if requested, will be conducted by the Governing Board or designee.
5. At said hearing, the school may be represented by any person designated by the Lead School Administrator.
6. If relevant, the concerned teacher shall be permitted to attend such hearing and shall be permitted to present information the teacher believes relevant.
7. At such hearing the student may be represented by any person of his choice.

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8. Until such hearing takes place the student shall remain suspended from the school.
 9. Upon the conclusion of the hearing and upon a finding that the expulsion is justified, the Governing board shall accept or modify the terms of the expulsion as proposed by the Lead School Administrator.
- F. Following a decision to issue an out-of-school suspension or expulsion:
1. All communication between the student and the school administrators/teachers will be documented.
 2. In accordance with Utah Code § 53A-11-907, the parent/guardian(s) of the student are responsible for providing an alternate education plan for the student if the suspension is longer than 10 days.
 3. Athlos Academy's responsibility involves checking the progress of the expelled student's education once a month for the duration of the expulsion.
 4. The student and the student's parent/guardian(s) must attend the re-admittance meeting with school administration before returning to school.
- G. Athlos Academy shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's transcript.
- H. The Athlos Academy Governing Board shall annually review data on suspensions and expulsions.
- I. Juvenile Court Involvement:
1. A qualifying minor is subject to the jurisdiction of the juvenile court if the qualifying minor:
 - a. Engages in behavior subject to suspension/expulsion, but that does not result in suspension/expulsion six times during a single school year;
 - b. Engages in behavior to suspension/expulsion, but that does not result in suspension/expulsion three times during a single school year in which the student is also suspended or expelled at least once;
 - c. Engages in behavior subject to suspension/expulsion, resulting in a suspension or expulsion, at least twice in a single school year.
 2. Prior to referral to juvenile court, the disruptive student behavior must be documented.
 3. Should the juvenile court take action against a qualifying minor, a formal written assessment of the habitually disruptive student must be conducted as a part of the suspension or expulsion process resulting in court involvement.
 4. Upon receiving a first suspension or expulsion in a school year or committing a third offense subject to suspension/expulsion that does not result in a suspension/expulsion, the Lead School Administrator or designee shall issue a notice of disruptive student behavior.
 - a. This notice shall include:
 - i. notice of the conditions that would result in a habitually disruptive student citation;

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- ii. resources available to assist the parent in resolving the student's disruptive behavior problem; and
 - iii. intention to cooperate with the appropriate juvenile court with regards to provisioning attendance, academic, behavioral, and other available student school data.
- b. This notice shall be mailed by certified mail to a parent of the qualifying minor.
- c. Any student issued this notice shall be assigned to work with the school counselor to attempt to resolve the disruptive student behavior problems prior to juvenile court involvement.
- d. A parent receiving this notification shall meet with the student and the Lead School Administrator or designee to discuss the behaviors.
- e. A parent receiving this notification may contest this notice through the procedures outlined in *Discipline Policy 5501 – Communication and Grievance Policy*

Legal References:

[Utah Code § 53A-11-904 through 907](#)
[Utah Code § 53A-11-910](#)

Related Documents:

[Notice of Suspension or Expulsion](#)
[Discipline Policy 5502](#)