



Discipline and Classroom Management Policy

Merit Preparatory Academy

Merit Preparatory Academy's (MPA) Discipline Policy focuses on the individual student and seeks to help the student become a principled person. We emphasize the principles of accountability, choices and consequences and responsible self-management by providing instructive service, activities and lessons to teach and amend undesirable behavior, suspending and expelling when appropriate based on Utah Law.

We follow the Utah Model Policy on Bullying, Cyber-bullying, and Harassment. The administration supports teachers in the classroom when students are disrupting their own education or that of other students. We also focus on improving teaching so student engagement is high and the need to discipline is low. We aim to help students become better learners in the classroom. The Board of Trustees (Board) authorizes the MPA Administration to develop appropriate guidelines, procedures, protocols, and processes for this policy.

Purpose

The purpose of this policy is to outline appropriate and effective disciplinary action to correct negative behaviors and help students make positive changes. These actions include the following:

- A. Holding students accountable for their actions.
- B. Helping students understand why they are being disciplined.
- C. Helping students understand that choices, both positive and negative, have consequences.
- D. Using disciplinary measures appropriate for the negative behavior.
- E. Using appropriate incentives to encourage desired behavior.
- F. Teaching and modeling characteristics and principles that build good character and make for good citizenship. These characteristics and principles include honesty, integrity, morality, civility, duty, honor and service; obedience to law; respect for self, peers, parents, home and family; and respect for and an understanding of the Declaration of Independence and the constitutions of the United States and the state of Utah.¹
- G. Expecting all students to treat each other, their teachers, staff and admin and school property and the property of others with respect and courtesy.
- H. Appropriately involving parents in the disciplinary process.

Definitions

Appeals Committee: A Board appointed committee of three impartial individuals (not associated with the school) responsible for hearing an appeal by an employee and making a decision regarding the appeal. The Appeals Committee will be made up of three individuals from the fields of education and law.

Appeals Committee representative: A designated Board member acting as liaison between an employee and the Appeals Committee

Corporal punishment: The intentional infliction of physical pain upon the body of a student as a disciplinary measure

¹ [53G-10-204.Civic and Character Education](#)

Employee: All persons who perform services for MPA, including without limitation all full-time, part-time, salary, hourly or temporary licensed employees, non-licensed employees, administrators, educators, hourly employees, volunteers, Board members and substitute teachers

Expulsion: A disciplinary removal from MPA by the Board for more than ten (10) school days without an offer of alternative educational service.

Reverse Suspension: A disciplinary measure in which the parent attends school with the student.

Searches: Searches refer to the Search and Seizure Policy (can be found in the student handbook). MPA takes student safety and adherence to Constitutional law² and school policy³ seriously. Employees may search students, lockers, personal property, and vehicles parked on school property *based on reasonable suspicion* as outlined in [New Jersey v. T. L. O., 469 U.S. 325 \(1985\)](#). Employees may also conduct random searches that might include all lockers and other MPA property.

Student: Any person under the age of nineteen (19) receiving educational services or anyone under the age of twenty-three (23) who is receiving educational services as an individual with a disability

Suspension: A disciplinary removal from MPA with an offer of educational services.

Discipline Policy and Procedures

- A. Acts of violence, use or possession of a weapon or facsimile, criminal behavior, and gang activity in or about MPA's facility, property, or activities shall be dealt with in accordance with MPA policy and the law.
- B. The Administration shall take appropriate disciplinary action when students engage in activities which disrupt the educational environment, threaten or harm persons or property, or disrupt MPA activities.
- C. MPA shall develop a Student Code of Conduct that shall be consistent with this policy, all other MPA policies, and the MPA Dress Code.
 1. The Student Code of Conduct shall be distributed to students and/or parents/guardians before the school year begins in the Student Handbook.
 2. The Student Code of Conduct will be posted to the MPA website every year as an included element of the Student Handbook.
 3. All employees will have access to the Student Code of Conduct via access to the Student Handbook.
- D. **Minor Infractions** are defined as infractions of school rules that are usually handled by teachers in the classroom and can result in a loss of privileges, phone calls home, detention, and after school detention. Chronic or excessive minor infractions can become major infractions and result in office discipline referral to the Administration. The following are examples of minor infractions, but this list is not exhaustive:
 1. Dress code violations
 2. Disrespect, including put downs, talking back, and defiance
 3. PDA (Public displays of affection)
 4. Inappropriate language and actions
 5. Tardies
 6. Disruptive behavior including talk-outs, chronic talking, and out of seat
 7. Horseplay
 8. Bus misconduct
 9. Electronic Device & Acceptable Use Policy, and non-compliance
- E. **Major Infractions** are defined as severe infractions of building and/or MPA policy/rules that result in immediate office discipline referrals to the Administration and usually lead to out of school suspension. The following are examples of major infractions drawn from Utah Code⁴, but this list is not exhaustive:

² [4th Amendment of the US Constitution](#)

³ Student Handbook: Search and Seizure Policy (Link)

⁴ [Grounds for Suspension or Expulsion 53G-8-205](#)

1. Chronic or excessive foul, profane, vulgar or abusive language
2. Chronic or excessive truancy and/ or tardies,
3. Frequent or flagrant, willful disobedience, defiance of proper authority or disruptive behavior.
4. Discrimination or harassment (see Student Discrimination and Harassment Policy)
5. Bullying, cyberbullying, hazing, or retaliation (see Bullying, Cyberbullying, Hazing and Retaliation Policy)
6. Sexual harassment
7. Fabrication of sexual harassment charges with malicious intent to defame character
8. Safe school violations, including assault, threats to kill/harm
9. Behavior which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs.
10. Physical aggression including fighting and throwing objects at a person
11. Battery or the unlawful and intentional touching or striking of another person against his or her will
12. Assault or placing another person in fear or apprehension of a harmful or offensive touching, whether or not a touching is actually intended
13. Behavior or threatened behavior, which poses an immediate and significant threat to the welfare, safety, or morals of other students, or school personnel, or to the operation of the school.
14. Any criminal action occurring at school such as vandalism, setting fire, possession or use of combustibles, forgery, and theft
15. Drug, alcohol, and tobacco violations (e.g., possession, distribution)
16. Possessing (regardless of intent), using, selling or attempting to possess, use or sell any firearm, weapon, knife, explosive device, noxious or flammable material, firework, chemical weapon (i.e. mace, pepper spray), martial arts weapon or other instrument including those which eject a projectile or substance of any kind, or any replica or facsimile of any of the above, whether functional or nonfunctional, whether designed for use as a weapon or for some other use
17. Arson or the willful and malicious destruction of any part of a building or its contents or occupants
18. Burglary or breaking and entering or remaining in a structure without authorization during the hours when the premises are closed to students
19. Theft/larceny/stealing or the intentional unlawful taking and/or carrying away of property belonging to or in the lawful possession or custody of another
20. Criminal mischief or the willful or malicious injury or damage to public property or to real or personal property belonging to another
21. Vandalism or willfully defacing, cutting, marring, injuring, damaging, or losing school or staff property. Student(s) may not participate in graduation exercises until the student or the student's parent(s)/guardian has paid for the damage or made appropriate restitution
22. Gang-related Activity or dangerous or disruptive activity, which may include but is not necessarily limited to the following: Wearing, possessing, using, distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang, using a name which is associated with or attributable to a gang, or designating turf or an area for gang activities, occupation, or ownership
23. Involvement in any activity which violates federal, state or local law or regulation, disrupting normal school proceedings, or causing, or attempting, threatening or conspiring to cause other students to violate federal, state or local law or regulation or to disrupt school proceedings, or

attempting, threatening or conspiring to do any of these. Activities including, but are not limited to: extortion, forgery, or lewdness.

24. Possession, use, or the distribution of obscene materials, including the sharing of pornographic material on school property.
25. "Sexting."

F. Prohibited Conduct and Related Discipline

Dangerous or disruptive conduct is prohibited and forbidden at MPA, on MPA property, including MPA vehicles, and at any MPA activity regardless of where it occurs. Dangerous or disruptive conduct that threatens or harms MPA property, a person connected with MPA, or property associated with a person connected with MPA is prohibited and forbidden regardless of where it occurs. Students with prior knowledge of dangerous or disruptive conduct have the duty to report such behavior to a building Administrator. Students who fail to report such conduct are subject to appropriate disciplinary sanctions. False reports are prohibited and subject to disciplinary measures.

G. A student **WILL be removed from MPA for at least one (1) year** for a serious violation involving the following dangerous or disruptive conduct:

1. A real weapon
2. Explosive or flammable material
3. Actual or threatened use of a look alike weapon with intent to intimidate or cause disruption
4. Possession, control, actual or threatened use of a real weapon, explosive, noxious, or flammable material
5. Explosive device, noxious or flammable material, firework, chemical weapon (i.e. mace, pepper spray)
6. Martial arts weapon or other instrument including those which eject a projectile or substance of any kind, or any replica or facsimile of any of the above, whether functional or nonfunctional, whether designed for use as a weapon or for some other use
7. Actual or threatened use of a look alike weapon with intent to intimidate or cause disruption
8. The sale, control or distribution of a drug, controlled substance, imitation controlled substance, or drug paraphernalia
9. Using or threatening to use serious force
10. The commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor; or a serious violation affecting a student or employee

H. Exceptions may be made on a case by case basis through the Board.

A student **MAY be removed from MPA** for the following dangerous or disruptive conduct:

1. Willful and/or frequent disobedience or violating a building or MPA rule
2. Defying authority
3. Disruptive behavior
4. Foul, profane, vulgar, or abusive language
5. Defacing or destroying MPA property
6. Truancy
7. Theft
8. Posing a significant threat to the welfare, safety or morals of a student(s), an employee(s), or the operation of the MPA
9. Fighting
10. Bullying or cyberbullying (including, but not limited to, behavior intended to cause harm or distress in a relationship with an imbalance of power, especially if repeated over time)

11. Possessing, using, controlling, or being under the influence of alcohol, a drug, an imitation drug, drug paraphernalia, or misusing any substance
12. Possessing or using tobacco or vaping/vaping paraphernalia
13. Hazing, demeaning, or assaulting someone, or forcing someone to ingest a substance
14. Inappropriate exposure of body parts
15. Sexual or other harassment or discrimination
16. Retaliation
17. Gang-related attire or activity.

I. The decision to remove or to discipline in some other way is at the discretion of the Administrator based on all the circumstances. The type and length of discipline is based on factors such as previous violations, severity of conduct, and other relevant educational concerns. When appropriate, students will be placed on remedial discipline plans. Employees may use reasonable physical restraint, if necessary, to protect a person or property from physical injury or to remove a violent or disruptive student. If damage or loss of MPA property occurs, official report cards, diplomas, and transcripts may be withheld until payment for the damage is received or the lost property is recovered.

J. Progressive Discipline

1. 1st offense = Conference with Admin, Verbal Warning
2. 2nd = Conference, Lunch detention (LD)
3. 3rd = Conference, Parent contact, LD's, ISS, OSS or reverse suspension
4. Subsequent offenses will result in a conference with Admin and a parental contact with the possibility of ISS, OSS or reverse suspension
5. If student behavior has not improved after discipline interventions have been implemented, the student will be recommended for expulsion by the Board

*The Administration reserves the right to adjust or alter any discipline at any time

K. Readmission and Admission

If a student is removed from MPA due to dangerous or disruptive conduct, readmission depends upon satisfactory evidence that the student will not be a danger to self, others, or MPA property. The student may be readmitted after the parent/guardian meets with MPA officials to make a plan to correct the dangerous or disruptive conduct and after the student completes both the days of suspension and any conditions imposed. MPA may deny admission to a student who has been expelled from any school in the last twelve (12) months.

L. Due Process

If a student is removed from MPA or otherwise disciplined under this policy, the student has the right to meet with the Administration to tell his/her side of the story. If the Administration recommends removal for more than ten (10) school days, a member of the Board will hear the case with the student, a parent/guardian, an administrator, and others as necessary. This hearing will be held within ten (10) school days of removal from MPA. If a student is removed from MPA for more than ten (10) school days, an appeal of the decision may be made in writing to the Board within ten (10) school days of the decision. The student's parent/guardian is responsible to plan and to pay for any educational services not provided by MPA during the student's removal from school.

M. Students with Disabilities

If a student has a qualified disability, an administrator will explain the separate

procedures that may apply based on the procedural safeguards under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.

Corporal Punishment

Corporal punishment⁵ is strictly prohibited. However, a school employee may use reasonable and necessary physical restraint in self-defense or when otherwise appropriate in order to do the following⁶:

- A. obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
- B. protect a student or another individual from physical injury;
- C. remove from a situation a student who is violent; or
- D. protect property from being damaged, when physical safety is at risk.

Complaints

- A. Complaints against an employee for corporal punishment against a student will be reported and investigated as outlined in [Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports](#).⁷
- B. If the violation is confirmed, MPA administration shall take appropriate action, including in-service training and other appropriate measures, to ensure against a repetition of the violation.
 1. If the violation is perpetrated by an administrator, the MPA Board will take appropriate measures to address the issue.
 2. Board members in violation of this statute will be subject to the same disciplinary measures (outlined in 80-2-602) as employees
- C. All reports made for violations of [53G-8-302](#) are to be kept confidential as outlined in [80-2-1005 \(1\)](#)
- D. Any school or individual who, in good faith, makes a report or cooperates in an investigation by a school or authorized public agency concerning a 53-8-302 violation is immune from any civil or criminal liability that might otherwise result by reason of those actions.⁸

Appeals

- A. If an employee wishes to dispute the complaint, he or she may submit an appeal in writing to the Board of Trustees within 10 working days from the date the complaint was filed.
 1. If a Board member wishes to appeal a complaint, he or she will follow the appropriate legal channels as outlined in 53G-7-1106.
- B. Within 10 working days after submitting the appeal request, the employee must contact the representative from the Appeals Committee to make an appointment to discuss the appeal before an Appeals Committee.
- C. Employees should document all attempts to contact the Appeals Committee representative to preserve their right to appeal.
- D. If the employee fails to contact the Appeals Committee representative within the requisite 10 days, the employee's appeal will be dismissed.
- E. The Appeals Committee must meet with the employee as quickly as reasonably possible, but no later than 10 working days from the date of the initial meeting

⁵ [R277-608](#)

⁶ [53G-8-302\(2\)a-d](#)

⁷ Utah Code [80-2-602](#).

⁸ [53G-8-303\(3\)](#)

request, unless a longer period of time is agreed to in writing by both the employee and the Appeals Committee.

- F. After meeting with the employee and thoroughly reviewing all the relevant information, the Appeals Committee will provide the employee with a written decision within 10 working days of the date of the appeal meeting.

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