

Wasatch Peak Academy Board of Directors Meeting

Date: October 4, 2023

Time: 8:15AM

Location: 414 N Cutler Drive, North Salt Lake, UT 84054



Wasatch Peak Academy will provide a meaningful educational experience utilizing service-learning and Spanish emphasis instruction to inspire in students:

- ★ a genuine appreciation for community and country;
- ★ a willingness to embrace leadership opportunities;
- ★ a perpetual enthusiasm for learning; and
- ★ a standard of individual academic excellence.

AGENDA

CALL TO ORDER

PUBLIC COMMENT (Comments limited to three minutes each)

REPORTS

- Director's Report
- Budget Report

CONSENT ITEMS

- August 16th Board Meeting Minutes

VOTING AND DISCUSSION ITEMS

- LEA Specific Licenses
- Special Education Policies and Procedures Manual
- Policies to Amend
 - Attendance Policy
 - Student Conduct and Discipline Policy
- Snow Removal
- Ace Recycling & Disposal Costs
- Award Construction RFP

CALENDARING

- Nex Board Meeting January Board Meeting Date Change- January 24th

ADJOURN

**Wasatch Peak Academy
Statement of Activities
As of June 30, 2023**

Prior Year Fund Balance

Beginning Fund Balance

Net Income

Income

Revenue From Local Sources

1510 - Interest on Investments

1610 - Sales to Students

1747 - Extra-Curricular Activity Fees

1920 - Contributions and Donations From Private Sources

1990 - Miscellaneous

1990-001 - Field Trips

Total Revenue From Local Sources

Revenue From State Sources

3005 - Regular School Programs K

3010 - Regular School Programs 1-12

3020 - Professional Staff

3100 - Restricted Basic School Programs

3200 - Related to the Basic Programs

3300 - Special Populations

3400 - Other Programs

3500 - One-time Funding

3800 - Non-MSP State Revenues (via USBE)

Total Revenue From State Sources

Revenue From Federal Sources

4200 - Unrestricted Revenue Received From Federal Government Through The State

4500 - Restricted Federal-Received via USBE

4522 - IDEA - B -- Pre-School Disabled (Sec 619)

4524 - IDEA - B -- Disabled (PL 101-476)

4560 - Federal Child Nutrition Programs

4800 - Federal No Child Left Behind

Total Revenue From Federal Sources

Total Income

Expenses

Instruction/Salaries

0121 - Salaries - Principals and Assistants

0131 - Salaries - Teachers

0132 - Salaries - Substitute Teachers

0142 - Salaries - Guidance Personnel

0143 - Salaries - Health Services Personnel

0152 - Salaries - Secretarial and Clerical Personnel

0161 - Salaries - Teacher Aides and Para-Professionals

0162 - Salaries - Media Personnel – Non-Licensed

- 0191 - Salaries - Food Services Personnel
- Total Instruction/Salaries
- Employee Benefits
 - 0220 - Social Security
 - 0230 - Local Retirement
 - 0240 - Group Insurance
 - 0290 - Other Employee Benefits
- Total Employee Benefits
- Purchased Prof & Tech Serv
 - 0320 - Professional - Educational Services
 - 0330 - Professional Employee Training and Development
 - 0340 - Other Professional Services
 - 0345 - Business Services
 - 0350 - Technical Services
- Total Purchased Professional & Technical Services
- Purchased Property Services
 - 0410 - Utility Services
 - 0430 - Repairs & Maintenance Services
 - 0433 - Custodial Services
 - 0441 - Rental of Land & Buildings
 - 0490 - Other Purchased Property Services
- Total Purchased Property Services
- Other Purchased Services
 - 0513 - Student Transportation Services - Commercial
 - 0517 - Student Overnight Trips/Field Trips
 - 0518 - Student Day Trips/Field Trips (includes Admission Charges)
 - 0521 - Property Insurance
 - 0522 - Liability Insurance
 - 0530 - Communication (Telephone & Other)
 - 0540 - Advertising
 - 0580 - Travel/Per Diem
- Total Other Purchased Services
- Supplies & Materials
 - 0610 - General Supplies
 - 0610-001 - Furniture and Fixtures (not capitalized)
 - 0630 - Food
 - 0641 - Textbooks
 - 0642 - E-Textbooks / Online Curriculum
 - 0644 - Library Books
 - 0650 - Supplies - Technology Related
 - 0670 - Software
 - 0680 - Maintenance Supplies and Materials
- Total Supplies & Materials
- Property
 - 0730 - Equipment
 - 0790 - Depreciation
- Total Property
- Debt Services & Miscellaneous
 - 0810 - Dues and Fees

0830 - Interest

0833 - Amortization of Bond Issuance & Other Related Costs

0840 - Redemption of Principal

0890 - Miscellaneous Expenditures

Total Debt Services & Miscellaneous

Total Expenses

Total Net Income

Ending P&L Fund Balance

Year Ending	Year To Date	
06/30/2023	06/30/2023	
Approved Budget	AFR	
0.00	2,534,776.85	
47,000.00	48,122.43	102%
58,551.00	68,553.29	117%
5,410.00	5,510.00	102%
3,518.00	26,276.34	747%
1,762.00	3,671.56	208%
36,451.00	36,450.50	100%
152,692.00	188,584.12	124%
114,925.00	114,925.41	100%
1,539,019.00	1,539,018.70	100%
116,597.41	116,597.41	100%
470,083.81	470,083.97	100%
1,591,352.01	1,591,352.01	100%
15,215.96	15,215.96	100%
149,539.66	152,217.59	102%
187,299.83	187,299.83	100%
45,639.00	48,255.40	106%
4,229,671.68	4,234,966.28	100%
170,000.00	217,771.31	1.28
9,999.96	0.00	-
1,200.00	1,318.97	1.10
58,000.00	65,683.52	1.13
54,999.96	97,415.04	1.77
23,650.96	23,650.57	1.00
317,850.88	405,839.41	1.28
4,700,214.56	4,829,389.81	1.03
185,000.00	178,754.74	97%
1,265,000.00	1,216,357.60	96%
25,400.00	25,913.69	102%
52,500.00	52,200.00	99%
70,000.00	63,861.32	91%
76,000.00	74,907.19	99%
332,500.00	341,664.22	103%
22,700.00	21,327.43	94%

76,000.00	79,141.94	104%
2,105,100.00	2,054,128.13	98%
225,000.00	229,772.09	102%
63,000.00	57,892.22	92%
12,300.00	11,794.59	96%
290,000.00	285,447.12	98%
590,300.00	584,906.02	99%
13,500.00	19,721.15	146%
10,500.00	14,725.47	140%
30,000.00	27,339.34	91%
196,000.00	194,000.11	99%
50,000.00	49,041.77	98%
300,000.00	304,827.84	102%
60,000.00	51,222.63	85%
349,999.92	314,826.80	90%
47,499.92	45,055.80	95%
40,000.00	38,559.40	96%
32,000.00	25,716.31	80%
529,499.84	475,380.94	90%
0.00	755.63	0%
30,800.00	18,523.01	60%
5,500.00	5,110.19	93%
4,800.00	4,790.00	100%
6,100.00	6,060.00	99%
9,000.00	8,111.98	90%
22,500.00	20,970.85	93%
1,499.96	1,681.06	112%
80,199.96	66,002.72	82%
76,000.42	80,499.97	106%
52,500.00	10,814.38	21%
75,000.00	65,895.14	88%
35,499.96	21,938.42	62%
12,500.00	4,029.31	32%
1,499.60	1,513.08	101%
92,499.96	76,974.49	83%
34,999.96	31,988.05	91%
29,999.96	24,935.20	83%
410,499.86	318,588.04	78%
28,000.00	26,728.00	95%
0.00	0.00	0%
28,000.00	26,728.00	95%
32,499.92	37,189.99	114%

217,100.00	217,100.00	100%
0.00	0.00	0%
120,000.00	120,000.00	100%
500.00	0.00	0%
<u>370,099.92</u>	<u>374,289.99</u>	101%
<u>4,413,699.58</u>	<u>4,204,851.68</u>	95%
<u>286,514.98</u>	<u>624,538.13</u>	218%
<u>286,514.98</u>	<u>3,159,314.98</u>	

**Wasatch Peak Academy
Statement of Financial Position
As of June 30, 2023**

	Year To Date	
	06/30/2023	
	AFR	Audit
Assets & Other Debits		
Current Assets		
Operating Cash	2,181,926.85	2,181,926.85
Accounts Receivables		
8133 - State	11,214.91	11,214.91
8134 - Federal	8,806.52	8,806.52
8139 - Other Receivables	3,490.88	3,490.88
Total Accounts Receivables	<u>23,512.31</u>	<u>23,512.31</u>
Total Current Assets	<u>2,205,439.16</u>	<u>2,205,439.16</u>
Restricted Cash		
8119-04B-001 - Zion Bank Bonds- Revenue	498,642.28	498,642.28
8119-04B-002 - Zions Bank Bonds- Principal	83,647.81	83,647.81
8119-04B-003 - Zions Bank Bonds- Interest	37,655.25	37,655.25
8119-04B-004 - Zions Bank Bonds- Reserve	340,750.00	340,750.00
8119-04B-005 - Zions Bank Bonds- Expense	25,221.04	25,221.04
8119-04B-006 - Zions Bank Bonds- R&R	75,000.00	75,000.00
8119-04B-007 - Zions Bank Bonds- Tax&Ins Fund	99,799.47	99,799.47
Restricted Cash	<u>1,160,715.85</u>	<u>1,160,715.85</u>
Net Assets		
Fixed Assets	0.00	5,378,569.82
Depreciation	0.00	(1,330,711.39)
Total Net Assets	<u>0.00</u>	<u>4,047,858.43</u>
Total Assets & Other Debits	<u>3,366,155.01</u>	<u>7,414,013.44</u>
Liabilities & Fund Equity		
Current Liabilities	<u>206,840.03</u>	<u>251,569.20</u>
Long-Term Liabilities	<u>0.00</u>	<u>4,324,496.22</u>
Other Credits	<u>0.00</u>	<u>0.08</u>
Fund Balance	<u>2,534,776.85</u>	<u>1,911,950.13</u>
Net Income	<u>624,538.13</u>	<u>925,997.81</u>
Total Liabilities & Fund Equity	<u>3,366,155.01</u>	<u>7,414,013.44</u>

Wasatch Peak Academy

Board of Directors Meeting



Date: August 16, 2023

Location: 414 N Cutler Drive, North Salt Lake, UT 84054

In Attendance: Marlowe Wolferstan, Megan Triplett, Wendy Tibbitts, Brad Wyatt, Paul Franzen, Jennifer Royall, Emily Willey

Others In Attendance: Amy Pilkington, Krystal Taylor, Heidi Bauerle, Jon McQueary

MINUTES

CALL TO ORDER

Marlowe Wolferstan called the meeting to order at 8:21AM.

PUBLIC COMMENT

There were no public comments.

REPORTS

- Director's Report
Amy Pilkington reviewed current enrollment information and challenges. Full-day Kindergarten classes have a waitlist, and half day still has availability to fill.

Jon McQueary joined the meeting at 8:24AM.
- Budget Report
Jon McQueary reviewed the status of the ongoing audit. As the year progresses more details for the budget will be provided. Marlowe Wolferstan inquired when monies from grants come into the school and the timeline of grants.

CONSENT ITEMS

- June 1, 2023, Board Meeting and Closed Session Minutes
Megan Triplett made a motion to approve the above consent items. Brad Wyatt seconded. Motion passed unanimously. Votes were as follows: Megan Triplett, Aye; Wendy Tibbitts, Aye; Marlowe Wolferstan, Aye; Brad Wyatt, Aye; Paul Franzen, Aye; Jennifer Royall, Aye; Emily Willey, Aye.

VOTING AND DISCUSSION ITEMS

- Amended 2023-2024 School Year Calendar
The board discussed the need to amend the previously approved calendar. This will allow Parent Teacher Conferences to be adjusted in February to be held on Tuesday and Thursday rather than over Valentine's Day.
Wendy Tibbitts made a motion to approve the amended 2023-2024 school year calendar. Jennifer Royall seconded. Motion passed unanimously. Votes were as follows: Megan Triplett, Aye; Wendy Tibbitts, Aye; Marlowe Wolferstan, Aye; Brad Wyatt, Aye; Paul Franzen, Aye; Jennifer Royall, Aye; Emily Willey, Aye.
- Early Learning Plan
Amy Pilkington provided details for the WPA Early Learning Plan. Staff credentials and qualifications were outlined. There are many benefits with new staff members including qualifications specifically for gifted and talented.
Brad Wyatt made a motion to approve the state approved Early Learning Plan. Megan Triplett seconded. Motion passed unanimously. Votes were as follows: Megan Triplett, Aye; Wendy Tibbitts, Aye; Marlowe Wolferstan, Aye; Brad Wyatt, Aye; Paul Franzen, Aye; Jennifer Royall, Aye; Emily Willey, Aye.

- Willscot Lease
The lease for the first portable was provided in the board packet. The school has multiple portables. There were no further questions or concerns for the lease.
Megan Triplett made a motion to approve the Willscot Lease as presented. Wendy Tibbitts seconded. Motion passed unanimously. Votes were as follows: Megan Triplett, Aye; Wendy Tibbitts, Aye; Marlowe Wolferstan, Aye; Brad Wyatt, Aye; Paul Franzen, Aye; Jennifer Royall, Aye; Emily Willey, Aye.
- Tuition Reimbursement Policy and Agreement
- Policies to Amend
 - Bullying and Hazing
 - Fee Waiver
 - Travel Policy
 - Purchasing and Disbursement Policy
 - Extended Curricular Program Policy

The above policies were provided to the board as redline versions. Each policy was reviewed, and further described and questions were answered. Jon McQueary detailed the approval amounts listed in the purchasing and disbursement policy. The board is confident that Amy Pilkington has sound purchasing decisions and can manage the amounts for approvals appropriately.

Jennifer Royall made a motion to approve the above listed policies. Brad Wyatt seconded. Motion passed unanimously. Votes were as follows: Megan Triplett, Aye; Wendy Tibbitts, Aye; Marlowe Wolferstan, Aye; Brad Wyatt, Aye; Paul Franzen, Aye; Jennifer Royall, Aye; Emily Willey, Aye.

REPORTS

- Director's Report
The board circled back to Amy Pilkington to inquire about more long-term projects that are ongoing. There are hopes to expand the building and only have the portables short term, in order to have more full-day kindergarten classes. Class size and the desire to have a healthy balance of numbers for teachers was emphasized.

ADJOURN

At 9:23AM Wendy Tibbitts made a motion to adjourn. Jennifer Royall seconded the motion. Motion passed unanimously. Votes were as follows: Megan Triplett, Aye; Wendy Tibbitts, Aye; Marlowe Wolferstan, Aye; Brad Wyatt, Aye; Paul Franzen, Aye; Jennifer Royall, Aye; Emily Willey, Aye.

AutoSave OFF
Home
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Conditional Formatting
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Delete
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Sort & Filter
Find & Select

Analyze Data
Create and share

	A	B	C	D	E	F	G	H	I	L	M	N	O	P
1	SY23-24 LEA-S(pacific) Requests Effective 8/2021, the following are NOT allowed for LEA-S: Audiologist, Deaf Education, Preschool Special Ed., School Psychologist, School Social Worker, Special Ed (K-12), Speech Language Path													
2	LEA (District or Charter) Name	Date LEA's Board Met	CACTUS ID	Last Name	First Name	Years Approved (1, 2, 3)	Is this a RENEWAL Request from SY20-21? (Y/N)	License Area 1	Endorsement 1	Rational/Motions	Is Educator's Assignment in CACTUS? (Y/N)	Has LEA Specific tab in CACTUS been completed? (Y/N)	Does Educator Have a current BACKGROUND check? (Y/N)	Does Educator Have a current ETHICS check? (Y/N)
3	Granite SD	1/5/21	999999	Example	Educator	3	N	Secondary	Math Level 3	Educator is enrolling in EPP Fall 2021	Y	Y	Y	Y
4	Wasatch Peak Academy	10/4/23	763884	Hansen	Kylee	3	N	Elementary		Completing education program	Y	Y	Y	Y
5	Wasatch Peak Academy	10/4/23	794622	Mann	Michael	3	N	Elementary		Completing education program	Y	Y	Y	Y
6	Wasatch Peak Academy	10/4/23	768007	Munoz	Keyli	3	N	Elementary		Completing education program	Y	Y	Y	Y
7	Wasatch Peak Academy	10/4/23	577689	Payne	Abbylynn	3	N	Elementary		Has expired licence for math secondary, need to up	Y	N	Y	Y
8	Wasatch Peak Academy	10/4/23	788868	Roberts	Macey	3	N	Elementary		Completing education program	Y	Y	Y	Y
9	Wasatch Peak Academy	10/4/23	794619	Rojas	Mariah	3	N	Elementary		Completing education program	Y	Y	Y	Y
10	Wasatch Peak Academy	10/4/23	747317	Olsen	Sidnie	3	N	Elementary		Completing education program	Y	Y	Y	N
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SPECIAL EDUCATION
POLICIES AND PROCEDURES MANUAL

COMBINATION SLD ELIGIBILITY METHOD

September 2023

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Attendance Policy

As a result of the USBE recently amending R277-607 on attendance, truancy, and absenteeism, and as a result of the passage of HB 400 from this past legislative session, the school needs to amend its Attendance Policy and procedures. These amendments include, among others, reducing the frequency by which the Board must review the policy (reducing the review requirement from annually to regularly); removing the requirement for the Board to annually review the school's attendance data; defining what constitutes "chronic absenteeism;" adding what the school does to prevent chronic absenteeism; including a more specific appeals process when parents want to challenge a notice of truancy, notice of compulsory education, or disciplinary measures taken against their student because of attendance issues; removing the habitual truant referral requirements; and addressing the interplay between student absences for mental or behavioral health reasons and the school's responsibility to provide FAPE.

Student Conduct and Discipline Policy

This past summer the USBE amended R277-609, which is a rule governing LEA discipline and safety. In addition, during the past legislative session the legislature passed HB 304, which is a bill covering juvenile justice revisions. The changes to R277-609 and the passage of HB 304 necessitate amending the school's Student Conduct and Discipline Policy and/or procedures. These amendments include modifying the requirements related to referring students to evidence based-alternative interventions when they are alleged to have committed certain offenses on school property; adding a new section requiring the school to use a multidisciplinary team and to develop a reintegration plan after receiving a notification from the juvenile court or law enforcement that one of its students is alleged to have committed a violent felony or weapons offense; and updating the requirements related to the school's administrative student conduct and discipline plan, which includes clarifying that this plan must be consistent with the school's required plan for harassment and discrimination free learning (the school's administration has already created the school's plan for harassment and discrimination free learning). Other minor revisions have also been made to the policy to make it more consistent with law and rule.

**Wasatch Peak Academy
Policy: Attendance Policy
Amended: October 22, 2020**



Policy

Wasatch Peak Academy (the "School") is committed to providing a quality education for every student. The School firmly believes that consistent attendance teaches students responsibility. Students learn the value of being punctual and prepared. Frequent absences and tardiness result in a loss of continuity of instruction. Also, frequent absences and tardiness prove disruptive for students, teachers, and staff. Excessive unexcused absences may lead to a student's permanent dismissal from the School.

Parents are expected to take a proactive role in ensuring their children attend school. We recommend families plan their vacation schedule around the existing School calendar. When possible, medical and dental appointments should take place outside of school hours and parents should notify the School in advance of any absence. Parents and students are responsible for obtaining homework or assignments for the time period which the student is absent.

The School intends for this policy to be consistent with the provisions of Utah's compulsory education laws, Utah Code Ann. §§ 53G-6-201 through 53G-6-211, as well as Utah Administrative Code Rule R277-607.

The Principal will establish attendance procedures consistent with this policy and applicable law and will ensure that the policy and procedures are distributed to parents.

Review

The School's Board of Directors shall review this policy regularly.

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Board Reviewed: 06.01.2023

Administrative Procedures Attendance Procedures

These procedures are established in accordance with the Attendance Policy established by the School's Board of Directors.

Definitions

"Absence" or **"absent"** means the failure of a school-age child assigned to a class or class period to attend a class or class period. "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.

"Chronic absenteeism" or **"chronically absent"** means a student misses 10% or more of days enrolled, for any reason, and makes a school aware that a beginning of tiered supports may be needed.

"Valid excuse" or "excused absence" means an absence resulting from:

- a) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;
- b) mental or behavioral health of the school-age child;
- c) a death of a family member or close friend;
- d) a scheduled family event or a scheduled proactive visit to a health care provider in accordance with Section 53G-6-803(5);
- e) a family emergency;
- f) an approved school activity;
- g) a preapproved extended absence for a family activity or travel, consistent with school policy; or
- h) an absence permitted by an individualized education program or Section 504 accommodation plan, developed pursuant to relevant law.

The Principal has the discretion to consider other absences as "valid excuses."

"Valid excuse" or "excused absence" does not mean a parent acknowledgement of an absence for a reason other than those described above.

"Habitual truant" means a school-age child who:

- (1) is in grade 7 or above and at least 12 years old;
- (2) is subject to the requirements of Section 53G-6-202; and
- (3)(a) is truant at least ten times during one school year; or (b) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53G-6-206.

"School-age child" means a minor who is at least six years old but younger than 18 years old and who is not emancipated.

"School day" means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.

"Truant" means a condition by which a school-age child, without a valid excuse, is absent for at least half of the school day. A school-age child may not be considered truant under this policy more than one time during one day.

Attendance Requirements: Students are expected to have no more than five (5) unexcused absences per year.

Excused Absences: An oral or written communication documenting a valid excuse must be received from the student's parents/guardian within one (1) business day of the absence in

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order for the absence to be excused. In the event of multiple consecutive absences, written communication must be received within one (1) business day of the student's return to School.

In the event of an unforeseeable illness or emergency, the School should be notified as soon as reasonably possible.

Preapproved Extended Absence: A parent/guardian may request approval from the Principal prior to a student's extended absence of up to ten (10) days per school year. The Principal will approve the absence if the Principal determines that the extended absence will not adversely impact the student's education.

Medical Documentation: The School may not require documentation from a medical professional to substantiate a valid excuse that is a mental or physical illness.

Make-up Work: Make-up work is permitted for students who have excused absences. The teacher will provide the student or the parent/guardian with any make-up work upon request. Make-up work must be completed within a reasonable time-frame as determined by the teacher.

Tardiness: A student is tardy if he or she is not in the assigned classroom when the late bell rings. In general, tardiness will be handled on an individual basis with the teacher. If a student is chronically tardy, then the student may be referred to the administration.

Notification of Absences and Tardies: In the event a student is absent, parents/guardians will be notified by phone on the day of the absence. Parents and students are responsible for tracking the total number of absences and tardies. Parents may be notified when their student reaches the 4th unexcused absence of the year or if their student is excessively tardy. If a student reaches five (5) or more unexcused absences, the Principal will attempt to schedule a meeting with the parents to review the situation and will outline the appropriate corrective action.

Notice of Compulsory Education Violation

Consistent with Section 53G-6-202, the School may issue a "notice of compulsory education violation" to a parent/guardian of a school-age child who is in grades 1 through 6 if the student is truant at least five (5) times during the school year.

This notice shall:

1. Direct the parent/guardian to meet with School authorities to discuss the student's attendance problem and cooperate with the Principal and Board to secure regular attendance by the student;
2. Designate the School authorities with whom the parent/guardian is required to meet;
3. State that it is a class B misdemeanor for the student's parent/guardian to intentionally or without good cause fail to meet with the designated School authorities to discuss the student's attendance problems, or fail to prevent the student from being truant an additional five (5) or more times during the remainder of the school year; and
4. Be served on the parent/guardian by personal service or certified mail.

If School personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent/guardian has failed to make a good faith effort to ensure that the school-

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age child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services the information required by Utah Code Subsection 53G-6-202(8) (also in accordance with the School's Child Abuse and Neglect Reporting Policy).

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Chronic Absenteeism, Prevention and Intervention Program

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The School's Chronic Absenteeism, Prevention and Intervention Program is established to encourage good attendance, improve academic outcomes, and reduce negative behaviors. Through this program, the School hopes to create a trusting relationship between teachers, students, and parents/guardians.

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The School's efforts to prevent chronic absenteeism include, but are not limited to:

- Serving students breakfast and lunch at the School each school day;
- Providing classroom and/or schoolwide rewards and/or incentives to students for good attendance.
- Notifying parents/guardians by phone each time a student is absent, and making such notification on the day of the absence.
- Contacting parents/guardians of students who reach four (4) and/or five (5) unexcused absences to try to resolve the students' attendance problems.
- Providing parents/guardians with notices of compulsory education violations, as appropriate and as outlined herein.
- Providing parents/guardians the School's attendance policies and procedures each year at the time of registration.

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The School will seek to help students struggling with absenteeism (including chronically absent students) through implementing research or evidence-based absenteeism and dropout prevention interventions. Those efforts will include documented earnest and persistent efforts to resolve a student's attendance problems through the following interventions:

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- When a student's attendance is negatively affecting the student's learning, the classroom teacher will notify the student and/or the student's parent/guardian of the concern. The teacher will set up a conference with the student and/or the student's parent/guardian to identify and resolve any problems that prevent the student from attending school. The student's progress will be monitored.
- If meeting with the student and parent/guardian does not adequately address the problems and the student's learning continues to suffer, then the School counselor or Principal will work with the teacher and parent/guardian in finding a solution to the problems that are preventing the student from attending to his/her learning. Efforts to resolve the problems may include, but are not limited to, the following: making adjustments to the curriculum or the schedule; counseling of the student by School authorities; mentoring the student; providing the student with increased academic support; teaching the student executive function skills such as planning, goal setting, understanding and following multi-step directions, and self-regulation; considering alternatives proposed by the parent/guardian; or providing the parent/guardian with a list of community resources to help the family.

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- The Principal may consult with a parent/guardian to determine if mitigating circumstances such as medical or psychological problems indicate the use of intervention methods for resolving the attendance problems.
- In the event that the preceding interventions fail, the Principal will contact the parent/guardian and request a formal meeting to discuss and resolve the attendance problems. A copy of of the communication (letter, email, etc.) will be kept by the School.
- The Principal will notify the student and a parent/guardian of the actions the School may take should the student be truant in the future.

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Appeals Process

Parents/guardians who believe that all or part of their student's absences and/or tardies should be considered excused, or if they want to contest a notice of compulsory education, or any disciplinary action taken against their student pursuant to the School's Attendance Policy or these procedures, shall follow the School's Parent Grievance Policy.

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Consistent with Section 53G-6-203, the School may issue a notice of truancy to a school-age child who is in grade 7 or above, at least 12 years old, and is truant at least five (5) times during the school year.

A notice of truancy will only be issued after the School has made earnest and persistent efforts to resolve student attendance problems, which efforts may include those set forth above.

A notice of truancy will:

1. Direct the school-age child who receives the notice of truancy, and the parent/guardian of the school-age child, to meet with School authorities to discuss the student's attendance problem and cooperate with

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Students with Qualified Disabilities

If students with disabilities under the Individuals with Disabilities Education Act, or students protected under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, have excessive absences, including but not limited to absences for mental or behavioral health reasons, and fall within the criteria of these procedures, the School will ensure that these procedures are applied in a manner consistent with all applicable state and federal laws and regulations. Excused absences for known mental or behavioral health reasons do not absolve the School of FAPE responsibilities.

Annual Report

The School shall annually report the following data separately to the State Board of Education:

1. absences with a valid excuse; and
2. absences without a valid excuse.

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Wasatch Peak Academy
Policy: Student Conduct and Discipline Policy
Approved: June 1, 2017
Amended: July 31, 2020



1. PURPOSE, BELIEFS, AND PHILOSOPHY

1.1 Purpose

The purpose of Wasatch Peak Academy's (the "School") Student Conduct and Discipline Policy is to help all students develop positive relationships with other students and adults, take responsibility for their actions and learning, and develop the self-discipline necessary to create an environment that is characterized by physical and emotional safety in order to enhance learning for everyone.

The School will foster a school and community-wide expectation of good citizenship for students and a sense of responsibility in the school community for rules and standards of behavior.

The School will promote and require:

- student responsibility for learning and behavior in all grades;
- student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the School community;
- parents and guardians of all students to assume proper responsibility for their students' behavior and to cooperate with School authorities in encouraging student self-discipline and discouraging behavior that is disruptive to the School's educational program.

1.2 Beliefs and Expectations

The School's beliefs and expectations set a positive and inviting culture for dealing with student behavior issues.

Beliefs:

- Punishment alone will not change behavior
- Most aggressive behavior is a relationship problem, not a behavior problem
- Adults must model the behaviors they expect from the students
- We expect conflicts, but we expect conflicts to be resolved and relationships mended

Expectations:

- Students will show respect for other students
- Students will show respect for adults
- Students will show respect for the building
- Adults will show respect for students
- Students will develop self-discipline

1.3 Procedural Philosophy

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The School recognizes that establishing a procedural philosophy consistent with the desired positive school environment is as important as following legal and due process procedures. The School's policy sets forth appropriate legal and due process procedures and will be followed within the context of the procedural philosophy outlined below:

Procedures:

When students are involved in conflicts with other students, they will:

- Work together to resolve the conflict
- Work to repair the relationship and build trust
- Be subject to additional consequences if they exhibit unsafe behaviors during the conflict

When students are involved in a conflict with or feel they have been treated unfairly by a member of the staff or a volunteer, they will:

- Report their feelings to their parent or to the administrator or counselor, who will work together to set up a conference with the student, the parent, an administrator or counselor, and the adult involved in order to resolve the conflict and mend the relationship

When students flagrantly disregard the safety of others, show blatant disrespect to others, or consistently behave in a disrespectful or unsafe way:

- The student will be subjected to consequences and positive behavior support to ensure that the student will make better choices in the future. Consequences might include:
 - In-School Suspension
 - Out of School Suspension
 - Expulsion
 - Restitution
 - Repayment for damages
- The student will work to earn back the trust of the School community by actions such as:
 - Genuine apology to injured or affected parties
 - Demonstration of appropriate behaviors following the incident
 - Repair or replace any damaged items

Due process to protect the rights of students will include:

- All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the process. If parents feel their student has not been treated fairly, they may request a hearing with the School's Board of Directors (the "**Board**") in accordance with the School's Grievance Policy.
- Parents will be notified when students are involved in situations that are deemed to be serious.
- Parents and students will be notified of the expectations, possible consequences, and the procedures involved in this policy at the beginning of each school year.

2. ENVIRONMENT

2.1 Safe School Environment

It is the School's policy to promote a safe and orderly school environment for all students and employees. Accordingly, the School holds all students, employees, and other adults to the highest standards of behavior in the classroom, on School grounds, in School vehicles, and during School-sponsored activities. Criminal acts or disruptive behavior of any kind will not be tolerated, and any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both.

2.2 Discrimination Prohibited

It is the School's policy to provide equal educational and employment opportunity for all individuals. Therefore, the School prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran status. Complaints of discrimination or unfair application of this policy should be submitted pursuant to the School's Grievance Policy.

3. DEFINITIONS

3.1 Suspension

For purposes of this policy, suspension is a temporary removal of a student from School and School-sponsored activities for a period of up to one (1) year. A student who is suspended may, at the Principal's discretion, have access to homework, tests, and other schoolwork through a home study program but will not be allowed to attend classes or participate in any School activities during the period of suspension.

3.2 Expulsion

For purposes of this policy, expulsion means the formal process of dismissing a student from School. Recognizing that students who commit violent or disruptive acts may pose safety problems, the School will work with parents to provide alternative educational placement and programs for the student where appropriate and feasible. However, the Principal retains the authority to exclude the student from all programs or activities for the period of expulsion.

3.3 Change of Placement for Students with Disabilities under IDEA and Section 504

For purpose of the removal of a student with a disability from the student's current educational placement, a "change of placement" occurs if (a) the removal is for more than ten (10) consecutive school days or (b) the student is subjected to a series of removals that constitute a pattern because they total more than ten (10) school days in a school year or 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. Any "change of placement" requires compliance with the procedures outlined in Section 10 of this policy.

3.4 Disruptive Student Behavior

For purposes of this policy, "disruptive student behavior" means the behavior identified as grounds for suspension or expulsion described in Section 4.1, below.

3.5 Parent

For purposes of this policy, "parent" means (i) a custodial parent of a school-age child; (ii) a legally appointed guardian of a school-age child; or (iii) any other person purporting to

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exercise any authority over the child which could be exercised by a person described above.

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3.6 Qualifying Minor

For purposes of this policy, "qualifying minor" means a school-age child who: (i) is at least nine years old; or (ii) turns nine years old at any time during the school year.

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3.7 School Year

For purposes of this policy, "school year" means the period of time designated as the school year by the Board in the calendar adopted each year.

3.8 School-age Child

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For purposes of this policy, "school-age child" means a minor who: (i) is at least six years old but younger than 18 years old; and (ii) is not emancipated.

4. GROUNDS FOR SUSPENSION, EXPULSION, OR CHANGE OF PLACEMENT

4.1 Suspension

4.1.1 A student may be suspended from School for any of the following reasons:

[a] frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting; gang activity; noncompliance with School dress code; harassment, including sexual, racial, or religious harassment; the use of foul, profane, vulgar or abusive language; or other unreasonable and substantial disruption of a class, activity, or other function of the School;

[b] willful destruction or defacing of School property;

[c] behavior or threatened behavior that 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;

[d] possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah law;

[e] possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, electronic cigarettes, or tobacco, as defined by Utah Code Ann. § 76-10-101;

[f] possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to real, look-alike or pretend weapons, fireworks, matches, lighters, alcohol, tobacco, mace, pepper spray, laser pointers, pornography, illegal drugs and controlled substances, drug paraphernalia, or any other material or item that has caused or will imminently cause substantial disruption to school operations;

[g] inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;

[h] any criminal activity;

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[i] any serious violation involving weapons, drugs, or the use of force, including those actions prohibited in Section 4.1.2 below, that threatens harm or causes harm to the School or School property, to a person associated with the School, or property associated with any such person, regardless of where it occurs; or

[j] bullying or hazing as defined in Utah Code Ann. § 53G-9-601 and/or the School's Bullying and Hazing Policy.

4.1.2 A student shall be suspended or expelled from School for

[a] any serious violation affecting another student or a staff member, or any serious violation occurring in a School building, in or on School property, or in conjunction with any School-sponsored activity, including:

(i) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(ii) the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or

(iii) the sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled substance defined in Utah Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3; or

[b] 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.

4.2 Expulsion

A student may be expelled from School for any violation listed under Section 4.1 of this policy if the violation is serious or persistent.

4.3 Weapons – Mandatory Expulsion for One Year – Utah Code Ann. § 53G-8-205; 20 U.S.C. § 7151

4.3.1 Any student who commits an act for which mandatory suspension or expulsion is provided under Section 4.1.2, above, using a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from all School programs and activities for a period of not less than one (1) year, subject to the following:

[a] Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (“**CMT**”), which shall be comprised of the Principal, a Board member, and a teacher selected by them, accompanied by a parent or legal guardian; and

[b] The CMT shall determine:

(i) what conditions must be met by the student and the student's parent for the student to return to School;

(ii) if the student should be placed on probation in a regular school setting consistent with Utah Code Ann. § 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the School; and

(iii) if it would be in the best interest of both the School and the student to modify the expulsion term to less than a year giving highest priority to providing a safe school environment for all students.

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[c] For purposes of this policy, the term "firearm", "explosive", and "noxious or flammable material" include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

4.3.2 Students with Disabilities under IDEA and Section 504

Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act is determined to have carried a weapon to School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

4.4 Drugs and Controlled Substances – Mandatory Suspension or Expulsion – Utah Code Ann. § 53G-8-205

4.4.1 A student shall be suspended or expelled from the School for any of the following reasons:

[a] use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a School building, in a School vehicle, on School property, or in conjunction with any School-sponsored activity;

[b] misuse or abuse, distribution, sale or arranging for the sale of prescription medication at School or a School-sponsored activity; or

[c] misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at School only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

4.4.2 Students with Disabilities under Section 504

Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances on School property or in conjunction with any School-sponsored activity.

4.4.3 Drug Testing

[a] Any student who is reasonably suspected of violating Section 4.4 may be subject to a drug test for cause, arranged and paid for by the School.

[b] Any student who has been suspended or expelled for a violation of Section 4.4 may be required to provide a clean drug test and evidence of completion of drug assessment

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and/or drug counseling programs as a condition of readmission to School. Testing and counseling required as a condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian.

[c] Students who refuse to submit to required drug testing and counseling programs or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School.

[d] Any student who is suspended or expelled for violation of Section 4.4 may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

4.4.4 Students with Disabilities under IDEA

Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

4.5 Gangs

For purposes of this policy, "gang" means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

4.5.1 Gang Activity and Apparel Prohibited

Students who engage in any form of gang activity on or about School property, or at any School-sponsored activity may be suspended or expelled under the terms of this policy. For the purposes of this policy, "gang activities" include, but are not limited to any of the following:

[a] Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;

[b] Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, hand shakes, etc.) that demonstrates membership in or a affiliation with a gang;

[c] Soliciting others for membership in a gang;

[d] Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, abusing, or harassing any person;

[e] Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;

[f] Committing any illegal act; or

[g] Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

4.5.2 Confiscation of Gang Items

Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by School officials at any time.

4.5.3 Consultation with Law Enforcement Authorities

School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

4.6 Bullying, Cyber-Bullying, Harassment, Hazing, and Abusive Conduct

Bullying, cyber-bullying, harassment, hazing, and abusive conduct of students and employees are against federal law, state law, and School policy, and are not tolerated by the School. It is the School's intent to respond to school-related incidents by implementing prevention efforts where victims can be identified and assessed, and perpetrators educated, in order to create a safer school that provide a positive learning environment.

School administration has the authority to discipline students and employees for off-campus speech that causes or threatens a substantial disruption on campus, at School activities, or causes or threatens a significant interference with a student's educational performance or involvement in School activities.

Additional information regarding these issues are contained in the School's Bullying and Hazing Policy, which is available on the School's website.

4.7 Possession or Use of Electronic Cigarette Products

4.7.1 Students are prohibited from possessing or using electronic cigarette products, as defined by Utah Code Ann. § 76-10-101, on School property.

4.7.2 The Principal or their designee shall request the surrender of or confiscate electronic cigarette products as provided in Section 16 of this policy.

4.7.3 The Principal will ensure that any surrendered or confiscated electronic cigarette product is destroyed or disposed of. However, the Principal may allow the release of any surrendered or confiscated electronic cigarette product to local law enforcement if School personnel have a reasonable suspicion that the electronic cigarette product contains an illegal substance and local law enforcement requests that the School release it to them as part of an investigation or action.

5. AUTHORITY TO SUSPEND OR EXPEL

5.1 Authority to Suspend for Ten (10) School Days or Less for Regular Education Students

The Principal has the authority to suspend a regular education student for up to ten (10) school days. In considering whether to suspend a student, the Principal shall consider all relevant factors, including but not limited to, the severity of the offense, the student's age, disability, academic status and disciplinary record, parental capabilities, and community resources.

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5.2 Authority to Suspend and Duration of Suspension for Students with Disabilities

The Principal has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days, and additional removals of not more than ten (10) total school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement. The School need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly suspended.

5.3 Authority to Suspend for Longer than Ten (10) Days or Expel for Regular Education Students

Subject to the requirements for due process set forth in Section 9, below, the Principal may suspend a regular education student for longer than ten (10) days or expel a regular education student.

Expulsions shall be reviewed by the CMT and the conclusions reported to the Board at least once each year if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.

5.3.1 Parental Responsibility

If a student is suspended for a period longer than ten (10) days or expelled, the student's parent or legal guardian is responsible for undertaking an alternative education plan that will ensure that the student's education continues during the period of expulsion. The parent or guardian shall work with designated School officials to determine how the student's education will continue through private education paid for by the parents, an alternative program offered by the local school district, or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services which are not provided by the School are the responsibility of the student's parent or guardian.

5.3.2 The parent or guardian and designated School officials may enlist the cooperation of the Division of Child and Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student.

5.3.3 The School shall contact the parent or guardian of each student under age 16 who has been expelled from all School programs and services at least once a month to determine the student's progress if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.

5.4 Authority to Institute Change of Placement for Student with Disabilities

Where the student is receiving special education services or accommodations on the basis

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of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

6. PROCEDURES FOR ADDRESSING DISRUPTIVE STUDENT BEHAVIOR – Utah Code Ann. § 53G-8-210

6.1 Efforts to Resolve Disruptive Student Behavior Problems

6.1.1 Information About Resources. The School will provide to a parent of a student who engages in disruptive student behavior a list of resources available to assist the parent in resolving the student’s disruptive behavior problem.

6.1.2 Procedures for Resolving Problems. The Principal or a teacher or counselor designated by the Principal will work with students who engage in disruptive student behavior according to the procedures identified in Section 7, below, in an attempt to help the student’s behavior to improve and to prevent problems from escalating. Incidents of disruptive student behavior and attempts to resolve behavior issues will be documented.

6.2 Notice of Disruptive Student Behavior

6.2.1 Authorization. The Principal is authorized to issue notices of disruptive student behavior to students who are qualifying minors.

6.2.2 Criteria for Issuing Notice. The Principal will issue a “notice of disruptive student behavior” to a qualifying minor who:

[a] engages in “disruptive student behavior” that does not result in suspension or expulsion three times during the school year; or

[b] engages in disruptive student behavior that results in suspension or expulsion once during the school year.

6.2.3 Contents of Notice. The notice of disruptive student behavior will:

[a] require the qualifying minor and a parent of the qualifying minor to whom the notice is issued to (i) meet with School authorities to discuss the qualifying minor’s disruptive student behavior; and (ii) cooperate with the Principal and the Board in correcting the student’s disruptive student behavior; and

[b] be mailed by certified mail to, or served in person on, a parent of the qualifying minor.

6.2.4 Contesting Notice. A qualifying minor, or a qualifying minor’s parent, may contest a notice of disruptive student behavior by requesting in writing, within ten (10) business days after receipt of the notice, a meeting with the CMT at which the parent and the CMT will discuss the facts related to the student’s behavior, the basis of the parent’s concerns with or objections to the issuance of the notice, and efforts that have been made to address the behavior problems.

6.3 Habitual Disruptive Student Behavior Notice

6.3.1 Criteria for Issuing Notice. The Principal may issue a “habitual disruptive student behavior notice” to a qualifying minor who:

[a] engages in disruptive student behavior that does not result in suspension or expulsion at least six times during the school year;

[b] (i) engages in disruptive student behavior that does not result in suspension or expulsion at least three times during the school year; and (ii) engages in disruptive student behavior that results in suspension or expulsion at least once during the school year; or

[c] engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

6.3.2 Notice to Parents. Within five (5) days after the day on which a habitual disruptive student behavior notice is issued, the Principal shall provide documentation to a parent of the qualifying minor who receives the notice of the efforts made by a School representative under Section 7, below.

6.4 Responses to School-Based Behavior

6.4.1 Definitions.

[a] “Mobile crisis outreach team” means a crisis intervention service for minors or families of minors experiencing behavioral health or psychiatric emergencies.

[b] “Restorative justice program” means a school-based program or a program used or adopted by a school that is designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.

[c] “Youth court” means the same as that term is defined in § 80-6-901, including that it is a diversion program that provides an alternative disposition for cases involving minors who have committed minor offenses, in which youth participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.

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6.4.2 Alternative School-Related Interventions. The Board may establish or partner with a certified youth court program or establish or partner with a comparable restorative justice program. The School may refer a student to youth court or a comparable restorative justice program in accordance with § 53G-8-211.

6.4.3 Referrals of Minors. A qualifying minor to whom a habitual disruptive student behavior notice is issued under Section 6.3.1 may not be referred to the juvenile court. The School will follow § 53G-8-211 with respect to referring a minor who is alleged to have committed an offense on school property. In accordance with § 53G-8-211:

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[a] if the alleged offense is a class C misdemeanor, an infraction, or a status offense on School property, the minor may be referred:

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- (i) to an evidence-based alternative intervention, including:
 - (1) a mobile crisis outreach team;

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(2) youth services center, as defined in § 80-5-102;

(3) a youth court or comparable restorative justice program;

(4) an evidence-based alternative intervention created and developed by the School or other governmental entities as set forth in § 53G-8-211(3)(a)(v); or

(5) a tobacco cessation or education program if the offense is a violation of § 76-10-105; or

(ii) for prevention and early intervention youth services, as described in § 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an evidence-based alternative intervention described above.

[b] Except as provided in Subsection [c] below, if a minor is alleged to have committed an offense on School property that is a class C misdemeanor, an infraction, or a status offense, the minor may be referred directly to a law enforcement officer or agency or the juvenile court only if:

(i) the minor allegedly committed the same offense on School property on two previous occasions; and

(ii) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection [a] above for both of the two previous offenses.

[c] If a minor is alleged to have committed a traffic offense that is an infraction, the minor may be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.

[d] If a minor is alleged to have committed an offense on School property that is a class B misdemeanor or a class A misdemeanor, the minor may be referred directly to a court or to the evidence-based alternative interventions in Subsection [a] above.

7. ALTERNATIVES TO EXPULSION, OR CHANGE OF PLACEMENT FOR FREQUENT OR FLAGRANT DISRUPTIVE BEHAVIOR – Utah Code Ann. § 53G-8-207

A continuum of intervention strategies shall be available to help students whose behavior in School repeatedly falls short of reasonable expectations. Prior to suspending a student for more than ten (10) days or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so extreme or violent that immediate removal is warranted, good faith efforts shall be made to implement a remedial discipline plan to allow the student to remain in the School.

7.1 Before referring the student for long-term suspension, expulsion or change of placement under this Section, School staff should demonstrate that they have attempted some or all of the following interventions:

7.1.1 Talking with the student;

7.1.2 Class schedule adjustment;

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Deleted: by the Principal or the Principal's designee, or the minor may be referred to the alternative interventions described above. However, documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor must be provided prior to referring the minor to the juvenile court...

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- 7.1.3 Phone contact with the parent or legal guardian;
- 7.1.4 Informal parent/student conferences;
- 7.1.5 Behavioral contracts;
- 7.1.6 After-school make-up time;
- 7.1.7 Short-term in-school suspension (ISS);
- 7.1.8 Short-term at-home suspensions;
- 7.1.9 Appropriate evaluation;
- 7.1.10 Home study;
- 7.1.11 Alternative programs; or
- 7.1.12 Law enforcement assistance as appropriate.

7.2 Parental Attendance with Student – Utah Code Ann. § 53G-8-207

As part of a remedial discipline plan for a student, the School may require the student's parent or guardian, with the consent of the student's teachers, to attend class with the student for a period of time specified by a designated School official. If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the provisions of this policy.

8. DUE PROCESS FOR SUSPENSIONS OF TEN (10) DAYS OR LESS

The following procedure shall apply to all students facing suspension of ten (10) school days or less:

- 8.1 The Principal shall notify the student's custodial parent or guardian of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent or guardian to meet with the Principal to review the suspension.
- 8.2 The Principal shall also notify the non-custodial parent, if requested in writing, of the suspension.
 - 8.2.1 Section 8.2 does not apply to the portion of School records which would disclose any information protected under a court order.
 - 8.2.2 The custodial parent is responsible to provide the School a certified copy of any court order under subsection 8.2.1.
- 8.3 The Principal shall document the charges, evidence, and action taken.
- 8.4 The student shall be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.

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8.5 If the student denies the charges, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to the Principal.

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8.6 In general, the notice and informal conference shall precede the student's removal from the School.

8.7 If, in the judgment of the Principal, notice is not possible because the student poses a danger to a person or property or an ongoing threat of disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and hearing shall follow as soon as possible.

9. DUE PROCESS FOR SUSPENSIONS OF MORE THAN TEN (10) DAYS AND EXPULSIONS

9.1 If the Principal believes that a student should be suspended for more than ten (10) days or expelled, the Principal may make the initial decision and shall meet with the student's parent or guardian to discuss the charges against the student and the proposed discipline within five (5) school days after the suspension or expulsion began. If requested in writing, the Principal shall also notify the non-custodial parent of the suspension or expulsion as outlined in Section 8.2 of this policy.

9.2 Notice to Student and Parent/Guardian

During the meeting required in Section 9.1, the Principal shall provide the student's parent or guardian with written notice that includes all of the following elements (or, if the student's parent or guardian refuses to meet, the Principal shall send the notice by certified mail, return receipt requested, to the student's parent or legal guardian within ten (10) school days after the suspension or expulsion began):

9.2.1 a description of the alleged violation(s) or reason(s) giving rise to disciplinary action;

9.2.2 the penalty being imposed (duration of suspension or expulsion);

9.2.3 a statement that a due process hearing may be requested by providing the Principal with written notice within ten (10) school days of the parent or guardian's receipt of the notice;

9.2.4 a statement that, if a due process hearing is requested, the Board, even though less than a quorum, will conduct the hearing;

9.2.5 a statement that the suspension or expulsion is taking effect immediately and will continue for the stated period unless a due process hearing is requested in a timely manner and the Board determines otherwise;

9.2.6 the mailing date of the notice; and

9.2.7 a statement that, if a hearing is not requested within ten (10) school days after receipt of the notice, the Principal's decision to suspend or expel the student will be final, and the parent's right to oppose the decision will be waived.

9.3 Hearing Procedures

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If a Due Process Hearing is requested in response to the notice sent pursuant to Section 9.2 of this policy, the following procedures shall apply:

9.3.1 After receipt of the request, the School shall schedule a hearing as soon as possible but not later than ten (10) school days following receipt of the request unless the student's parent or guardian agrees otherwise.

9.3.2 A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian that the Due Process Hearing will be conducted before the Board and of the following information:

[a] the date, place, and time of the hearing;

[b] the circumstances, evidence, and issues to be discussed at the hearing;

[c] the right of all parties to cross-examine witnesses subject to the Board chairman's determination that this right should be limited to protect student witnesses from retaliation, ostracism or reprisal; and

[d] the right of all parties to examine all relevant records.

9.3.3 The Board shall conduct the Due Process Hearing on the record and shall:

[a] ensure that a written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the School;

[b] consider all relevant evidence presented at the Hearing;

[c] allow the right to cross-examination of witnesses, unless the Board chairman determines that this right should be limited to protect student witnesses from ostracism, retaliation or reprisal;

[d] allow all parties a fair opportunity to present relevant evidence; and

[e] issue a written decision including findings of fact and conclusions.

9.3.4 Hearing Rules

Formal Rules of Evidence do not apply to the Due Process Hearing, and no discovery is permitted. However, the following rules will apply:

[a] parties may have access to information contained in the School's files to the extent permitted by law;

[b] hearings shall be closed to the press and the public;

[c] documents, testimony, or other evidence submitted by the parties after the hearing will not be considered by the Board; and

[d] the Board may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Board.

10. DUE PROCESS FOR CHANGE OF PLACEMENT OF STUDENTS WITH DISABILITIES

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Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504 or ADA, procedures outlined in the Utah State Board of Education Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

10.1 Required Services

10.1.1 504 and ADA Students

When a determination is made that the conduct of a 504 or ADA student (but not a student who is disabled under IDEA) is not a manifestation of the student's disability pursuant to Section 10.5, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from School; however, the School must continue to provide education services in accordance with guidelines established by the Utah State Office of Education.

10.1.2 IDEA

A school need not provide services during periods of removal to a student with a disability under IDEA who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a student without disabilities who has been similarly removed.

If a student with a disability under IDEA has been removed from his or her current placement for more than ten (10) school days in the same school year, for the remainder of the removals the School shall provide services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. 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 advance toward achieving the goals set out in the student's IEP.

10.2 Change of Placement for Weapons, Drugs, or Serious Bodily Injury

A student's IEP team 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 forty-five (45) days, if:

10.2.1 The student carries a weapon to or possesses a weapon at School, on School premises, or to or at a School-sponsored activity; or

10.2.2 The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School, on School premises, or at a School-sponsored activity; or

10.2.3 The student has inflicted serious bodily injury upon another person while at School, on School premises, or at a School-sponsored activity.

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10.3 Change of Placement Due to Student's Serious Misconduct

School officials may request an expedited due process hearing in order to change the placement of a student with a disability to an appropriate interim alternative educational setting, recommended by the student's IEP team, for not more than forty-five (45) days. A hearing officer may order such a change, if he/she:

10.3.1 Determines that School officials have demonstrated by substantial evidence that maintaining the current placement of a student is substantially likely to result in injury to the student or others;

10.3.2 Considers the appropriateness of the student's current placement;

10.3.3 Considers whether School officials have made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

10.3.4 Determines that the interim alternative educational setting being recommended by School officials (1) has been 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; and (2) includes services and modifications designed to address the behavior at issue so that it does not recur.

10.4 Parental Notice

As soon as a decision is made by School officials to remove a student with a disability from his/her current placement for more than ten (10) school days, the student's parents must be notified of that decision and of all procedural safeguards outlined by law and School policy.

10.5 IEP Meetings for Manifestation Determination

10.5.1 Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision is made to remove the student from the current placement, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

10.5.2 The manifestation review must be conducted by the student's IEP team and other qualified School personnel.

10.5.3 In conducting the manifestation review, the IEP team may determine that the behavior of the student was not a manifestation of student's disability only if the IEP team:

[a] First considers, in terms of behavior subject to disciplinary action, all relevant information, including:

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student;

(ii) Observations of the student; and

(iii) The student's IEP and placement; and

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[b] Then determines whether:

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(i) The conduct in question was caused by or had a direct and substantial relationship to the child's disability; or

(ii) The conduct in question was the direct result of the School's failure to implement the student's IEP.

10.5.4 If the IEP team determines that either of the standards above was met, the behavior must be considered a manifestation of the student's disability.

10.5.5 Determination that Behavior was not Manifestation of Disability

If the result of the manifestation review is a determination that the behavior of a student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education must still be made available to the student if the student is suspended or expelled from School.

10.5.6 Determination that Behavior was Manifestation of Disability

If the result of the manifestation review is a determination that the behavior of a student with a disability was a manifestation of the student's disability, the student must remain in or be returned to the prior placement.

10.6 IEP Meetings for Functional Behavioral Assessments

10.6.1 Post-Discipline Functional Behavioral Assessments

If School officials have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student before the behavior that results in a removal from School for longer than ten (10) school days or a change of placement to an interim alternative educational setting, School officials shall convene an IEP meeting to develop an assessment plan and appropriate behavioral interventions to address that behavior.

10.6.2 Pre-Discipline Behavioral Intervention Plans

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

10.7 Placement During Appeals and Stay Put

10.7.1 If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student must remain subject to the disciplinary action pending the decision of the hearing officer or until the expiration of the forty-five (45) day period, whichever occurs first, unless the parent and School officials agree otherwise.

10.7.2 If a student is placed in an interim alternative educational setting and School personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed

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change in placement the student must remain in the current placement (the student's placement prior to the interim alternative education setting), unless School officials succeed in getting an order through an expedited hearing as described in Section 10.3.

11. ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN

11.1 Elements of Plan

The Principal will develop, with input from administration, instruction and support staff, students, parents, and other community members, a Student Conduct and Discipline Plan. The plan shall be comprehensive, clearly written, consistently enforced, and include the following elements:

11.1.1 written standards for student behavior expectations, including school and classroom management;

11.1.2 effective instructional practices for teaching student expectations, including:

[a] self-discipline;

[b] citizenship;

[c] civic skills; and

[d] social emotional skills;

11.1.3 systematic methods for reinforcement of expected behaviors;

11.1.4 uniform and equitable methods for correction of student behavior;

11.1.5 consistent processes to collect student discipline data and incident or infraction data, including collection of the number of days of student suspensions and data collected from the School's climate survey as described in Rule R277-623;

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11.1.6 uniform and equitable methods for at least annual school level data-based evaluations of efficiency and effectiveness;

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11.1.7 an ongoing staff development program related to development of:

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[a] student behavior expectations;

[b] effective instructional practices for teaching and reinforcing behavior expectations;

[c] effective intervention strategies; and

[d] effective strategies for evaluation of the efficiency and effectiveness of interventions;

11.1.8 procedures for ongoing training of appropriate School personnel in:

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[a] crisis management;

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[b] emergency safety interventions; and

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[c] School policies related to emergency safety interventions consistent with evidence-based practice;

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11.1.9 policies and procedures relating to the use and abuse of alcohol, controlled substances, electronic cigarette products, and other harmful trends by students;

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11.1.10 policies and procedures for responding to possession or use of electronic cigarette products by a student on School property as required by § 53G-8-203(3);

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11.1.11 policies and procedures, consistent with requirements of Rule R277-613 and the School's Bullying and Hazing Policy, related to:

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[a] bullying;

[b] cyber-bullying;

[c] hazing;

[d] retaliation; and

[e] abusive conduct;

11.1.12 policies and procedures for the use of emergency safety interventions for all students consistent with evidence-based practices including prohibition of:

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[a] physical restraint, subject to the requirements of Section R277-609-5, except when the physical restraint is allowed as described in § 53G-8-302(2);

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[b] prone, or face-down, physical restraint;

[c] supine, or face-up, physical restraint;

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[d] physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;

[e] mechanical restraint, except:

(i) protective or stabilizing restraints;

(ii) restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation; and

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(iii) any device used by a law enforcement officer in carrying out law enforcement duties;

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[f] chemical restraint, except as:

(i) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

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(ii) administered as prescribed by the licensed physician or other qualified health

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professional acting under the scope of the professional's authority under state law;

[g] seclusionary time out, subject to the requirements of Section R277-609-5, except when a student presents an immediate danger of serious physical harm to self or others; and

[h] for a student with a disability, emergency safety interventions written into a student's IEP, as a planned intervention, unless:

(i) school personnel, the family, and the IEP team agree less restrictive means have been attempted;

(ii) a FBA has been conducted; and

(iii) a positive behavior intervention, based on data analysis has been written into the plan and implemented;

11.1.13 direction for dealing with bullying and disruptive students;

11.1.14 direction to determine the range of behaviors and establish the continuum of administrative procedures that may be used by School personnel to address student behavior, including students who engage in disruptive student behaviors as described in § 53G-8-210;

11.1.15 identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;

11.1.16 identification of individuals who shall receive notices of disruptive and bullying student behavior;

11.1.17, a requirement to provide for documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor before referral of students with an alleged class B misdemeanor or a nonperson class A misdemeanor to juvenile court;

11.1.18 strategies to provide for necessary adult supervision;

11.1.19 a requirement that policies be clearly written and consistently enforced;

11.1.20 notice to employees that violation of Rule R277-609, may result in employee discipline or action;

11.1.21 gang prevention and intervention provisions in accordance with § 53E-3-509(1);

11.1.22 provisions that account for the School's unique needs or circumstances, including:

[a] the role of law enforcement; and

[b] emergency medical services; and

[c] a provision for publication of notice to parents and School employees of policies by reasonable means; and

[d] a plan for referral for a student with a qualifying office to alternative school-related

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interventions, including:

(i) a mobile crisis outreach team, as defined in Section 80-1-102;

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(ii) a receiving center operated by the Division of Juvenile Justice Services in accordance with Section 80-5-102;

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(iii) a youth court; or

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(iv) a comparable restorative justice program; and

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11.1.23 procedures for responding to reports received through the SafeUT Crisis Line established under § 53B-17-1201 *et seq.*

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11.2 Plan Consistent with this Policy

The administrative Student Conduct and Discipline Plan shall be consistent with this policy, including without limitation the provisions in Section 6 regarding notices of disruptive student behavior and the emergency safety intervention policies and procedures set forth in Section 18. It shall also be consistent with the School's Plan for Harassment and Discrimination Free Learning, which shall be developed by the School in accordance with § 53G-8-802 and R277-609.

12. EXTRACURRICULAR ACTIVITIES

Participation in interscholastic athletics and other extracurricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of suspension/expulsion and may not be allowed to invoke due process procedures to challenge the denial of extracurricular participation.

13. RE-ADMISSION OF EXPELLED STUDENTS AND DENIAL OF ADMISSION BASED ON PRIOR EXPULSION – Utah Code Ann. § 53G-8-205

A student who is expelled from the School can only be re-admitted to the School through the School's standard lottery procedures.

A student may be denied admission to the School if he or she was expelled from the School or any other school during the preceding 12 months.

14. INVESTIGATIONS

Whenever the Principal has reason to believe that School rules or policies have been broken, he or she shall proceed with an investigation. However, if the Principal believes that laws have been broken or child abuse has occurred, he/she shall request appropriate authorities to conduct the investigation.

14.1 General Investigation Guidelines for Principal

The Principal has the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. The Principal shall conduct investigations according to the following general

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guidelines:

14.1.1 The Principal shall conduct investigations in a way that does not unduly interfere with School activities.

14.1.2 The Principal shall separate witnesses and offenders in an attempt to keep witnesses from collaborating their statements and have all parties provide separate statements concerning the incident under investigation; written statements are preferable, if possible.

14.1.3 The Principal shall advise students suspected of wrongdoing orally or in writing of the nature of the alleged offense.

14.1.4 Students must be provided an opportunity to give their version of the incident under investigation; however, refusals to respond or provide information should be respected.

14.1.5 When questioning students as part of an investigation, School staff should have another adult present whenever possible.

14.1.6 The Principal shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.

14.1.7 All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action.

14.1.8 When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.

14.2 Coordination with Law Enforcement

The Principal has the responsibility and the authority to determine when the help of law enforcement officers is necessary, as outlined in this policy and Utah State law.

14.2.1 The School administration may invite law enforcement officials to the School to:

[a] conduct an investigation of alleged criminal conduct on the School premises or during a School-sponsored activity;

[b] maintain a safe and orderly educational environment; or

[c] maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.

14.2.2 Investigation of Criminal Conduct

During an investigation for violation of School rules, it may become evident that the incident under investigation may also be a violation of criminal law. If the School official has reason to suspect that a criminal act has been committed and, in the opinion of the Principal, law enforcement should be notified, the following procedure should be followed:

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[a] The Principal shall request that law enforcement officers conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.

[b] The School official shall inform the student's parent or legal guardian as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation.

[c] Unless circumstances dictate otherwise, questioning of the student by School officials shall not begin or continue until the law enforcement officers arrive.

[d] Reasonable attempts shall be made to contact the student's parents or legal guardian who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities.

[e] The Principal shall document the contact or attempted contact with the student's parents or legal guardian. If the Principal cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Principal shall be present and document generally what occurs during the interview.

[f] The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer.

[g] If the parent or student refuses to consent to questioning by law enforcement authorities, the law enforcement authorities shall determine the course of action to be pursued.

14.2.3 Investigation Initiated by Law Enforcement Authorities

School officials shall cooperate with law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc.

[a] When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation on School grounds during School hours.

[b] Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:

(i) The officers shall be required to get prior approval of the Principal or other designated person before beginning an investigation on School premises.

(ii) The Principal shall document the circumstances warranting the investigation as soon as practical.

(iii) Alleged criminal behavior related to the School environment brought to the Principal's attention by law enforcement officers shall be dealt with under the provisions of Section 14.1.

(iv) Law enforcement officials (investigating School-related or student-related crimes) may not have access to student education records, aside from directory information,

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unless they have a subpoena or court order or permission from parent or guardian.

(v) Directory information is limited to a student's name, home address, date of birth, phone number, class schedules and parents' address and phone numbers for use in case of emergency.

14.2.4 Release of Student to Law Enforcement Official

[a] Students may not be released to law enforcement authorities voluntarily by School officials unless the student has been placed under arrest or unless the parent or legal guardian and the student agree to the release.

[b] When students are removed from School for any reason by law enforcement authorities, every reasonable effort shall be made to contact the student's parent or legal guardian immediately except in cases of child abuse and neglect. Such effort shall be documented.

[c] The Principal shall immediately notify the Board of the removal of a student from School by law enforcement authorities.

[d] Where it is necessary to take a student into custody on School premises, the law enforcement officer shall contact the Principal and relate the circumstances necessitating such action.

[e] Whenever the need arises to make arrests or take students into custody on School premises, the Principal shall make reasonable efforts to consult and confer with the law enforcement officers as to how an arrest is to be made.

[f] When possible, the Principal shall have the student summoned to the Principal's office before the student is taken into custody.

[g] When a student has been taken into custody or arrested on School premises without prior notification to the Principal, the School staff present shall encourage the law enforcement officers to tell the Principal of the circumstances as quickly as possible. If the officers decline to tell the Principal, the School staff members present shall immediately notify the Principal.

14.2.5 Quelling Disturbances of School Environment

Law enforcement officers may be requested to assist in controlling disturbances of the School environment that a Principal has found to be unmanageable by School personnel and that has the potential of causing harm to students and other persons or to property. Such circumstances include situations where a parent or member of the public exhibits undesirable or illegal conduct on or near School grounds or at a School-sponsored activity and who refuse to abide by a Principal's directive to leave the premises.

15. INVESTIGATION OF CHILD ABUSE AND NEGLECT

Utah law requires that whenever any person, including any School employee, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the

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nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services.

15.1 The School shall distribute annually to all School employees copies of the School's procedures for reporting suspected child abuse or neglect.

15.2 If there is reason to believe that a child may have been subjected to abuse or neglect, an oral report shall be made immediately by the School employee reporting the abuse/neglect with a written report to follow within twenty-four (24) hours.

15.2.1 When making the oral report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report.

15.2.2 A copy of the written report shall be put in a child abuse-neglect file to be maintained by the Principal, for all reported cases of suspected child abuse or neglect.

15.2.3 The child abuse-neglect reporting form shall not be placed in the student's personal file.

15.3 It is not the responsibility of the Principal or other School employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection.

15.3.1 Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.

15.3.2 To determine whether or not there is reason to believe that abuse or neglect has occurred, professional School employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.

15.3.3 Interviews with the child or suspected abuser shall not be conducted by the Principal or School employees.

15.3.4 Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.

15.3.5 The Principal, School employees, Division of Child and Family Services and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation.

15.3.6 Investigations are the responsibility of the Division of Child and Family Services.

[a] The Principal or other School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.

[b] School officials shall cooperate with social service and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect, assisting as asked as members of interdisciplinary child protection teams in providing protective diagnostic, assessment, treatment, and coordination services.

15.3.7 Persons making reports or participating in good faith in an investigation of alleged

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child abuse or neglect are immune, in accordance with state law, from any civil or criminal liability that otherwise might arise from those actions.

16. SEARCHES OF PERSON OR PROPERTY

Given the School's custodial and tutelary responsibility for children, and the Board's intent to preserve a safe environment for all students and staff, the Board recognizes that School officials must have the authority to conduct reasonable searches of students and student property. School officials engaging in searches of students and property shall abide by the following guidelines:

16.1 General Guidelines for Searches of Person or Property

16.1.1 Student Lockers

Students have no right or expectation of privacy in school lockers. While lockers are under the joint control of students and the School, lockers are solely School property and may be searched at any time by School officials with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 16.2 of this policy.

16.1.2 Searches of Students and Student Property

Searches of a student's person, personal property (coats, hats, backpacks, bookbags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction. Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or student property is concealing items including but not limited to weapons, drugs, [controlled substances](#), [electronic cigarette products](#), alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

16.2 Searches of Personal Belongings

16.2.1 Personal belongings may be searched by School officials whenever School officials have a reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a School official. All searches of student property by School officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive.

16.2.2 All contraband discovered in a search by School officials shall be immediately confiscated and turned over to law enforcement officers if School officials have reason to believe the contraband is related to the commission of a criminal act.

16.3 Searches of Person

16.3.1 School officials shall make sure the search meets the following guidelines:

[a] The search shall be conducted in a private area of the School by a School official of

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the same sex as the student being searched;

[b] The search shall be observed by an objective third party of the same sex as the student being searched (i.e., Principal, teacher, police officer);

[c] School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband;

[d] Under no circumstances may School officials require students to remove any other items of clothing or touch students in any way during the search.

[e] If this limited search does not turn up suspected contraband and School officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

[f] In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to the investigation guidelines in Section 14 of this policy.

16.4 Documentation of Searches

School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

16.4.1 The time, place and date of the search;

16.4.2 The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);

16.4.3 The name and title of individuals conducting and observing the search;

16.4.4 A statement about evidence that was found or not found as a result of the search;

16.4.5 A statement about who took possession of contraband (i.e., police, school, etc.);

16.4.6 Information regarding the attempts of School officials to notify parents about the search.

17. RECORDS—INTERAGENCY COLLABORATION – 20 U.S.C. § 1232g(h)(i)-(2); Utah Code Ann. § 53G-8-402-405

17.1 Board and Principal Notification by Juvenile Court and Law Enforcement Agencies.

17.1.1 Within three (3) days of being notified by the juvenile court that a juvenile has been adjudicated or of being notified by a law enforcement agency that a juvenile has been taken into custody or detention for a violent felony, defined in Utah Code Ann. § 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5 Weapons, the President of the Board shall notify the Principal.

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17.1.2 Upon receipt of the information, the Principal shall make a notation in a secure file other than the student's permanent file; and, if the student is still enrolled in the School, the Principal shall notify staff members who should know of the adjudication, arrest or detention.

17.1.3 Staff members receiving information about a juvenile's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.

17.2 Multidisciplinary Team and Reintegration Plan

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17.2.1 In addition to complying with the requirements above, the School shall, within five (5) days after receiving a notification described in Section 17.1.1 about a student, develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian. The multidisciplinary team should include the School, the juvenile court, the Division of Juvenile Justice Services, the School's Resource Officer (if any), and any other relevant party that should be involved in a reintegration plan.

17.2.2 The reintegration plan shall address:

[a] a behavioral intervention for the student;

[b] a short-term mental health or counseling service for the student; and

[c] an academic intervention for the student.

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17.2.3 The School may deny admission to the student until the School completes the reintegration plan.

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17.3 Student Discipline Records/Education Records

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School officials may include appropriate information in the education record of any student concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

17.3.1 Disclosure of Discipline Records to Other Educators

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School officials may disclose student discipline information described above to teachers and other School officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

17.3.2 Disclosure of Discipline Records to Other Agencies

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School officials shall not release personally identifiable student discipline records to other government agencies, including law enforcement agencies, unless the agency produces a subpoena or court order (need for standing court order from juvenile court), or unless the student's parent or guardian has authorized disclosure.

18. EMERGENCY SAFETY INTERVENTIONS

A School employee may not subject a student to physical restraint or seclusionary time out

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unless utilized as a necessary emergency safety intervention (“ESI”) in compliance with this Section.

18.1 Definitions

18.1.1 An “ESI” is the use of seclusionary time out or physical restraint when a student presents an immediate/imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm. An ESI is not for disciplinary purposes.

18.1.2 “Physical restraint” means a personal restriction that immobilizes or significantly reduces the ability of a student to move his or her arms, legs, body, or head freely.

18.1.3 “Physical escort” means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

18.1.4 “Seclusionary time out” means that a student is placed in a safe enclosed area, isolated from adults and peers, and the student is, or reasonably believes, he or she will be prevented from leaving the area. The safe enclosed area must meet the fire and public safety requirements described in R392-200 and R710-4.

18.2 General Procedures

18.2.1 Teachers and other personnel who may work directly with students shall be trained on the use of effective alternatives to ESI as well as the safe use of ESI and a release criteria.

18.2.2 An ESI shall:

- [a] be applied for the minimum time necessary to ensure safety;
- [b] implement an appropriate release criteria;
- [c] be discontinued as soon as imminent danger of physical harm to self or others has dissipated;
- [d] be discontinued if the student is in severe distress;
- [e] never be used as punishment or discipline;
- [f] be applied consistent with the School’s administrative Student Conduct and Discipline Plan; and
- [g] in no instance be imposed for more than 30 minutes.

18.3 Students with Disabilities Receiving Special Education Services

18.3.1 Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall be subject to all applicable state and federal laws, including Least Restrictive Behavioral Interventions (LRBI) policies and procedures for special education/504 programs.

18.3.2 Additionally, ESIs written into a student’s IEP as a planned intervention are

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prohibited unless school personnel, the family, and the IEP team agree less restrictive means which meet the circumstances described in R277-608-5 have been attempted; a Functional Behavioral Assessment has been conducted; and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

18.4 Physical Restraint

18.4.1 A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, use and apply physical restraint as an ESI in self defense or as may be reasonable and necessary under the following circumstances:

- [a] to protect the student or another person from physical injury;
- [b] to remove from a situation a student who is violent;
- [c] to take possession of a weapon or other dangerous object in the possession or under the control of a student; or
- [d] to protect property from being damaged, when physical safety is at risk.

18.4.2 When an employee exercises physical restraint as an ESI on a student, the following types of physical restraint are prohibited:

- [a] prone, or face-down;
- [b] supine, or face-up;
- [c] physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;
- [d] mechanical restraint, except for seatbelts or safety equipment used to secure students during transportation, other appropriate protective or stabilizing restraints, and devices used by a law enforcement officer in carrying out law enforcement duties; or
- [e] chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student's Health Care Plan.

18.4.3 Nothing in this Section prohibits a School employee from using less intrusive means, including a physical escort, to address circumstances described in Section 18.4.1.

18.5 Seclusionary Time Out

A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, place a student in seclusionary time out as an ESI under the following circumstances:

18.5.1 the student presents an immediate danger of serious physical harm to self or others;

18.5.2 any door remains unlocked [consistent with applicable fire and public safety requirements](#); and

18.5.3 the student is within line sight of the employee at all times.

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18.6 Notification

18.6.1 If an ESI is used, the School or employee shall immediately notify the student's parent/guardian and School administration before the student leaves the School.

18.6.2 In addition to providing the notice described in Section 18.6.1, if the ESI is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and School administration.

18.6.3 Parent notifications made under this Section shall be documented in the student information system as required by R277-609-10(3)(d)).

18.6.4 Within 24 hours of using ESI, the School shall notify the parent/guardian that they may request a copy of any notes or additional documentation taken during the crisis situation.

18.6.5 Upon request of a parent/guardian, the School shall provide a copy of any notes or additional documentation taken during a crisis situation.

18.6.6 A parent/guardian may request a time to meet with School staff and administration to discuss the crisis situation.

18.7 Emergency Safety Intervention (ESI) Committee

18.7.1 The School shall establish an ESI committee that includes:

[a] at least two administrators (if there are at least two administrators employed by the School);

[b] at least one parent of a student enrolled in the School, appointed by the School's Principal; and

[c] at least two certified educational professionals with behavior training and knowledge in both state rules and the School's conduct and discipline policies.

18.7.2 The ESI committee shall:

[a] meet often enough to monitor the use of ESI within the School;

[b] determine and recommend professional development needs;

[c] develop policies for dispute resolution processes to address concerns regarding disciplinary actions; and

[d] ensure that each emergency incident where a School employee uses an ESI is documented in the School's student information system and reported to the State Superintendent of Schools through UTREx.

Deleted: create and communicate methods for evaluation of the efficiency and effectiveness of the Schools' rules and standards

18.7.3 The School shall collect, maintain, and periodically review the documentation or records regarding the use of ESI in the School.

18.7.4 The School shall annually provide documentation of any School use of ESI to the

Deleted: 07.31.2020

Board Approved: 

State Superintendent of Schools.

18.7.5 The School shall submit all required UTREx discipline incident data elements to the State Superintendent of Schools no later than June 30, 2018. Beginning in the 2018-19 school year, the School shall submit all required UTREx discipline incident data elements as part of the LEA's daily UTREx submission.

18.8 Corporal Punishment

School employees may not inflict or cause the infliction of corporal punishment upon a student. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination.

19. TRAINING

19.1 All new employees shall receive information about this policy and the administrative Student Conduct and Discipline Plan at new employee orientation. All other employees shall be provided information on a regular basis regarding this policy, the Student Conduct and Discipline Plan, and the School's commitment to a safe and orderly school environment.

19.2 Employees who have specific responsibilities for investigating, addressing, and resolving issues addressed in the policy shall receive annual training on this policy and related legal developments.

19.3 The Principal shall be responsible for informing students, parents, and staff of the terms of this policy and the Student Conduct and Discipline Plan, including the procedures outlined for investigation and resolution of violations.

20. POLICY AND PLAN DISSEMINATION AND REVIEW

20.1 The School shall compile an annual report of all out-of-school suspensions and expulsions and submit it to the Board. For each suspension or expulsion, the report shall indicate the student's race, gender, disability status, and age/grade, as well as the reason for the discipline, the length of the discipline, and a statement as to whether the student was referred to the Board.

20.2 A summary of this policy and the Student Conduct and Discipline Plan shall be posted in the School, and the policy and plan will be posted on the School's website. The policy or a summary of the policy and the plan or summary of the plan shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.

20.3 This policy and the plan shall be reviewed as necessary with appropriate revisions recommended to the Board.



Annual Snow Service Order

BrightView Landscape Services, Inc. (BrightView)

8/22/2023 15:08

4005_BVLS Salt Lake City

4112 S 500 W Murray UT 84123

Ph: (801) 561-7541

400500099

• SERVICE LOCATION (Location)

Loc ID Location Name Estimate
18915541 WASATCH PEAK ACADEMY 400500099

Location Address

414 N CUTLER DR, NORTH SALT LAKE CITY, UT 84054

• CLIENT INFORMATION (Client)

Client ID Company Name
C/O ACADEMICA WEST, 290 N FLINT ST STE A, KAYSVILLE, UT 84037

Billing Address

C/O ACADEMICA WEST, 290 N FLINT ST STE A, KAYSVILLE, UT 84037

• SCOPE OF SERVICES

Service Start: 11/01/2023

Service End: 03/31/2024

Start Season: 2023

Table with 4 columns: Vehicle Site Area(s) (VEH), Service Start Trigger, Pedestrian Sites Areas (PED), Service Start Trigger. Rows include Parking/Driving Areas (RD), Parking Structure (GAR), Ice Watch (Vehicle), and Anti-Ice/Pretreatment (Vehicle).

BrightView is only responsible for performing Services in the selected Site Areas after the indicated Service Trigger is reached. Services requested before the Trigger is met shall begin upon a reasonable period after notification from the Client and may result in additional fees.

- Client Declines to have BrightView stake the Location.
• BrightView will not be responsible for damages caused to roads, curbs, road-edges, turf-edges or other objects not properly identified.
• Speed bumps/humps/tables shall not be repaired/replaced regardless of staking conditions.
• Bulk de-icing material will be purchased (Supplied) by BrightView and applied by BrightView.
• Bagged de-icing material will be purchased (Supplied) by BrightView and applied by BrightView.
• All Time & Material Rates are Port-to-Port, and are subject to minimum fees as noted in the Price Schedule
• An 'EVENT' is a snow and/or ice occurrence, during which precipitation is not interrupted for a continuous period of or more.
• A Service Level for per inch pricing is determined by the total accumulation at the end of a single continuous 'EVENT'.
• Icing events excluded from Per Inch pricing will be billed based on agreed to Time & Material Rates.
• Deicing materials will be installed/applied one time at the end of a plowable event to indicated site areas.
Additional materials, when requested by the Client, for Per Inch Events shall be provided and invoiced based on the here-to agreed rates.
• Snowfall measurements will be determined by the Certified SnowFall Totals™ provided by WeatherWorks, Inc. or approved alternate.
• For Indicated Service Levels, the agreed to prices exclude Hauling, Stacking or Relocation of Snow piles, unless otherwise noted.
• Any Services provide prior to the above Term of Service Start Date or after the Term of Service End Date will be charged as Time and Material in accordance with BrightView standard rates.
• T&M rates cover anything outside the normal scope of work.
• An occurrence is based off of a 2-4" (inch) snow event. During storms of larger amounts multiple occurrences may be used.
• Salt will be applied one time upon completion of plowing event - cost is not included in lump sum price.
• All prices exclude any applicable sales tax, should client request tax to be included BrightView may automatically adjust the price if tax laws change to reflect such increase.

By signing this Service Order, Client acknowledges and agrees that (a) snow or ice may accumulate while Services are being performed, (b) even when there is no precipitation present, snow may blow or drift onto a Service Location or be brushed onto cars, parking, and driving areas or walkways, and (c) properly plowed snow may melt and refreeze after Services are fully performed. Accordingly, Client understands and agrees that (i) BrightView cannot guarantee that the performance of the Services will remove all snow and ice from any Service Location, and (ii) some snow or ice may still be present at a Service Location during or after the performance of Services.

CLIENT PRICING AGREEMENT

2023.18915541



Annual Snow Service Order

BrightView Landscape Services, Inc. (BrightView)

8/22/2023 15:08

4005_BVLS Salt Lake City

4112 S 500 W Murray UT 84123

Ph: (801) 561-7541

400500099

• **PRICE SCHEDULE** BrightView will be compensated for work performed at the Service Location according to the agreed to prices shown below. All listed equipment items includes the respective equipment and required operator.

Category	Area	Service/Unit Description	Unit	Min. Chg.	Price	Price	Price	Price	2023 Price
TM	ALL AREAS	Truck with Plow and Spreader/Sprayer	Hr	1 Hr					\$125.00
TM	ALL AREAS	Skid Steer	Hr	4 Hrs					\$180.00
TM	ALL AREAS	Skid Steer with Pusher Box	Hr	4 Hrs					\$232.00
TM	ALL AREAS	Back Hoe /Loader less than 3CY w/ Pus	Hr	4 Hr					\$262.00
TM	ALL AREAS	Loader 3CY+ Bucket w/ Push Box	Hr	1 Hr					\$335.00
TM	ALL AREAS	Hauling/Relocating Snow (note)	Hr	1 Hr					\$500.00
TM	ALL AREAS	Utility Vehicles (ATV, Kubota, Snow Rai	Hr	1 Hr					\$115.00
TM	ALL AREAS	Snow Blower / Walk Broom	Hr	1 Hr					\$88.00
TM	ALL AREAS	Crew Member/Hand Shovel	Hr	1 Hr					\$68.00
TM	ALL AREAS	Supervisor	Hr	1 Hr					\$85.00
TM	ALL AREAS	Bulk Rock Salt Applied	Ton	1 Ton					\$285.00
TM	ALL AREAS	Bag Ice Melt Applied	50 Lbs	1 Bag					\$28.00
TM	ALL AREAS	Unapplied Liquid Deicer/Brine	Gal	1					\$4.00
TM	ALL AREAS	Magnesium Chloride Applied	50 Lbs	1 Bag					\$72.00
TM	ALL AREAS	Front End Loader	Hr	4 Hr					\$397.00
PI	DR LANE	2.0-3.9"	Per Event						\$222.00
PI	DR LANE	Every Additional 2 "	Per Event						\$222.00
PI	WALKS	2.0-3.9"	Per Event						\$101.00
PI	WALKS	Every Additional 2 "	Per Event						\$101.00

• **ORDER EFFECTIVE DATE:** 11/01/2023 This Service Order is accepted by BrightView and Client and forms part of the Master Snow Management Agreement signed by the parties and restates and replaces any Service Order previously agreed to for the above Location.

For BrightView:

Printed: _____ 11/01/2023
Email: _____
Title: _____

For Client:

Printed: Amy Pilkington 11/01/2023
Email: apilkington@wasatchpeak.org
Title: _____

**Wasatch Peak Academy
Evaluation Committee Statement
RFP for Design-Build Construction Services**

Background

Wasatch Peak Academy issued an RFP for Design-Build Construction Services on September 6, 2023 to seek proposals to construct an approximately 6,000 square foot addition to its campus building. The anticipated new addition would consist of 3-4 classrooms, 3-4 breakout rooms, 2 single-use restrooms, adjoining hallways, and a vestibule. The school posted the RFP on the Utah Public Procurement Place (SciQuest) and on its website for over three weeks. The deadline to submit a proposal in response to the RFP was October 2, 2023. Three construction companies – One West Construction, Stout Building Contractors, and City Creek Construction – submitted proposals to the school.

Evaluation and Scoring of Proposal

The Evaluation Committee for this RFP was Amy Pilkington, Rachel Ebeling, and Paul Franzen. They reviewed and scored the proposals on October 3, 2023.

One West Construction's proposal received the highest overall score, 81/100. Stout Building Contractor's proposal received a score of 77/100. City Creek Construction's proposal did not meet the requirements of the RFP, as they only submitted a pricing proposal and did not provide any information on their experience, qualifications, track record, background, management plan, etc. As a result, the Evaluation Committee could not evaluate and score City Creek Construction's proposal. The breakdown of the scores given to One West Construction and Stout Building Contractors is below:

- **One West Construction: 81/100**
 - Experience, Qualifications, and Track Record: 35/35
 - Past Performance for WPA and/or References: 10/10
 - Management Plan: 8/25
 - Cost: 28/30

- **Stout Building Contractors: 77/100**
 - Experience, Qualifications, and Track Record: 30/35
 - Past Performance for WPA and/or References: 9/10
 - Management Plan: 8/25
 - Cost: 30/30

Based on the Evaluation Committee's review of the proposals, One West Construction (a) has more experience in charter school construction as compared to Stout Building Contractors; (b) has successfully done building addition/expansion projects for Wasatch Peak Academy and many other charter schools in Utah in the past; (c) has a proven track record of successfully completing construction projects for charter schools in Utah on time and within budget; (d) has provided a project schedule to complete the addition/expansion before school begins for the 24-25 school year; and (e) can do the project for a reasonable fee. Stout Building Contractors also has experience and qualifications with respect to charter school construction, but not as much as One West Construction. In addition, during the walk through with Stout Building Contractors they expressed that they could not have the addition/expansion completed until October 2024, which would be after the beginning of the 24-25 school year. While Stout Building Contractor's pricing proposal was less expensive than One West Construction's, the difference was not extreme. The approximate total price per foot for Stout Building Contractors is \$332.99 and the approximate total price per foot for One West Construction (after adding in an estimate of \$150,000 for design fees) is \$343.

Award Recommendation

The Evaluation Committee recommends to the school's Board of Directors that it award the construction contract on this project to One West Construction. The Evaluation Committee believes that One West Construction's proposal provides the best value to the school in connection with this project.

FINAL EVALUATION COMMITTEE SCORE SHEET

RFP for Design-Build Construction Services

Name of Offeror: One West Construction

Names of Evaluation

Committee Members: Amy Pilkington, Rachel Ebeling, and Paul Franzen

Date of Scoring: October 3, 2023

Points Recommended by Evaluation Committee for Non-Cost Criteria:

- | | |
|--|-------------------------|
| 1. Offeror's Experience, Qualifications, and Track Record | (35 points possible) 35 |
| This criterion is based on the information provided in response to RFP Section VI(A)(1). | |
| 2. Offeror's Past Performance for WPA and/or References | (10 points possible) 10 |
| This criterion is based on the information provided in response to the specifications contained in RFP Section VI(A)(2). | |
| 3. Offeror's Management Plan | (25 points possible) 8 |
| This criterion is based on the information provided in response to the specifications contained in RFP Section VI(A)(3). | |
| Total Evaluation Points for Non-Cost Criteria (70 points possible) | 53 |

Points Recommended by Evaluation Committee for Cost Criteria:

- | | |
|---|-------------------------|
| 4. Cost | (30 points possible) 28 |
| This criterion is based on the pricing proposal provided in response to RFP Section VI(A)(3). | |
| Total Evaluation Points for Non-Cost and Cost Criteria (100 points possible) | 81 |

FINAL EVALUATION COMMITTEE SCORE SHEET

RFP for Design-Build Construction Services

Name of Offeror: Stout Building Contractors

Names of Evaluation

Committee Members: Amy Pilkington, Rachel Ebeling, and Paul Franzen

Date of Scoring: October 3, 2023

Points Recommended by Evaluation Committee for Non-Cost Criteria:

- | | |
|--|-------------------------|
| 1. Offeror’s Experience, Qualifications, and Track Record | (35 points possible) 30 |
| This criterion is based on the information provided in response to RFP Section VI(A)(1). | |
| 2. Offeror’s Past Performance for WPA and/or References | (10 points possible) 9 |
| This criterion is based on the information provided in response to the specifications contained in RFP Section VI(A)(2). | |
| 3. Offeror’s Management Plan | (25 points possible) 8 |
| This criterion is based on the information provided in response to the specifications contained in RFP Section VI(A)(3). | |
| Total Evaluation Points for Non-Cost Criteria (70 points possible) | 47 |

Points Recommended by Evaluation Committee for Cost Criteria:

- | | |
|---|-------------------------|
| 4. Cost | (30 points possible) 30 |
| This criterion is based on the pricing proposal provided in response to RFP Section VI(A)(3). | |
| Total Evaluation Points for Non-Cost and Cost Criteria (100 points possible) | 77 |