



Governing Board Meeting

Date: November 16, 2023

Time: 7:00 PM

Location: Junior High – Building 2; 1228 West 2185 South, Woods Cross, UT 84087 **Online**

Access: <https://us02web.zoom.us/j/88376025341?pwd=KzZKemxyemRjaE9icU5tc1hiRDl2UT09>

Mission Statement

Legacy Preparatory Academy will cultivate intellectual and moral virtue according to classically based pillars of truth, goodness, and beauty.

AGENDA

BUSINESS OF THE GOVERNING BOARD

OPEN MEETING: ROLL CALL AND WELCOME

- Public Comment
- New Hires
- Consent Agenda
 - October 12, 2023, Board Meeting Minutes

COMMITTEE REPORTS

- Audit Committee
- Policy and Governance Committee
- Executive Committee
- Communication Update
- Academic Excellence Committee

FINANCIAL REPORT

- Financial Report Review
 - Finance Committee report

DISCUSSION & VOTING ITEMS

- Non-Reoccurring and/or Not Previously Approved Purchases Over \$20,000
- Special Education Policies and Procedures Manual
- School LAND trust final report 2022-2023 SY
- School LAND trust training update
- Policies to Approve
 - Travel Policy

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call 801-444-9378. One or more members of the board may participate electronically or telephonically pursuant to UCA 52-4-207.



- Policies to Amend:
 - Selection and Purchase of Instructional Materials Policy
 - Concussion and Head Injury Policy

BUSINESS OF ADMINISTRATION AND STAFF

DIRECTOR'S REPORT

- Operations Report
- Education Report

CALENDARING

- Next Board Meeting Thursday, December 14, 2023, at 7:00 PM

CLOSED SESSION (This closed meeting may take place at the beginning and/or conclusion of the meeting): To discuss character, professional competence, physical or mental health of an individual (employee or student), and any of the following topics, if necessary: strategy sessions to discuss the purchase, exchange, lease or sale of real property; collective bargaining; or pending litigation, or other matters appropriate pursuant to statute(s).

ADJOURN

LPA Governing Board:

2024: Lee Peterson (Member), Anna Mark (Vice Chair), John Cook (Member)

2025: Al Pranno (President), Jim Collings (Member)

2026: Alisha Johnson (Treasurer), David Ray (Secretary)



LEGACY | Preparatory
Academy
Classical Education and Fine Arts

New Hires

Augusto Silva - Instructor (Replacement position)



Governing Board Meeting

Date: October 12, 2023

Location: Junior High – Building 2; 1228 West 2185 South, Woods Cross, UT 84087

Board Members Present: Al Pranno, Jim Collings, Anna Mark, Lee Peterson, Alisha Johnson, John Cook, David Ray

Others Present: Brandie Evans, Priscilla Stringfellow, Platte Nielson, Alicia Ady, Kim McVey

MINUTES

BUSINESS OF THE GOVERNING BOARD

OPEN MEETING: ROLL CALL AND WELCOME

Al Pranno called the meeting to order at 7:12PM

- Public Comment
There was no public comment.
- New Hires
Brandie Evans discussed the new hires. They have hired a new 2nd grade teacher to replace a teacher that left. They also hired an on-call sub as a new position.
- Consent Agenda
 - September 21, 2023, Board Meeting and Closed Session Minutes
Alisha Johnson made a motion to approve all new hires and to approve the September 21, 2023, Board Meeting and Closed Session Minutes. David Ray seconded the motion. The motion passed unanimously. The votes were as follows: Al Pranno, Aye; Jim Collings, Aye; Anna Mark, Aye; Lee Peterson, Aye; Alisha Johnson, Aye; John Cook, Aye; David Ray, Aye.

COMMITTEE REPORTS

- Audit Committee
The audit is finishing up. Kim McVey has seen the draft and it's on target. She spoke to the requested journal entries that were made but there were no material adjustments.

Platte Nielson joined the meeting at 7:15pm

- Policy and Governance Committee
There was no update at this time.
- Executive Committee
There was no update at this time.
- Communication Update
There was no update at this time.

Anna Mark requested “Academic Excellence Committee” be added to their agenda.



FINANCIAL REPORT

○ Financial Report Review

Alisha Johnson addressed the board and reported that the finance committee met and talked about how they would like the finance report to be presented to the board. They would like to pare down the report for 2 months and then give a larger report each quarter that is a deeper dive with the full board. With this, the finance committee will deep dive each month but just not present it to the board. This will make it easier to pull from the data that Academica West has available and to provide the needed info for the board. It will be a better comprehensive report instead of snapshots each month that don't paint the bigger picture. This will also more closely align with the way the other committees report to the board. It will also help streamline board meetings. The 1st quarterly report will be in January. They added John Cook onto their finance committee.

Kim McVey provided the monthly budget report. Their October 1st count was 986. They will get their new allotment of funding from the state in December. There are no big changes in the financials from last month.

DISCUSSION & VOTING ITEMS

○ Non-Reoccurring and/or Not Previously Approved Purchases Over \$20,000

There were no reoccurring purchases to approve at this time.

○ TAGG Snow Removal Contract

Brandie Evans discussed the school's desire to continue snow removal with TAGG for the 2023-2024 School year. They changed the contract to have the company come push snow when there is 1" or higher accumulated instead of 2".

Alisha Johnson made a motion to approve the TAGG Snow removal contract as presented in case it goes over \$20,000. Lee Peterson seconded the motion. The motion passed unanimously. The votes were as follows: Al Pranno, Aye; Jim Collings, Aye; Anna Mark, Aye; Lee Peterson, Aye; Alisha Johnson, Aye; John Cook, Aye; David Ray, Aye.

○ LEA Specific Licenses

Priscilla Stringfellow discussed the following teachers that will need LEA specific licenses: Charles Allen, Melissa Carter, McKenzie Denison, Dawn Fambro, Katie Fontenot, Christine Jacobs, Kimberly Johnson, Fred Lee. She also discussed what LEA licenses are and the reason why they require this approval.

David Ray made a motion to approve all LEA specific licenses as presented. Lee Peterson seconded the motion. The motion passed unanimously. The votes were as follows: Al Pranno, Aye; Jim Collings, Aye; Anna Mark, Aye; Lee Peterson, Aye; Alisha Johnson, Aye; John Cook, Aye; David Ray, Aye.



BUSINESS OF ADMINISTRATION AND STAFF

DIRECTOR'S REPORT

- Education Report

Priscilla Stringfellow discussed some of the upcoming professional development opportunities for the staff at the school. They had their 2nd Paideia assembly of the year. Students grade 3-9 participated in the 1st round of surveys on Panorama and the administration has reviewed the data. She showed some of the data that was collected and discussed how they could potentially use this information to improve their school. John Cook asked if they could have a summary of baselines that may need some improvement. Priscilla also discussed the Acadience math test results. The school has administered the beginning of the year assessment. They discussed what it means for a student to be on benchmark. She also reported on how student led conferences went. They received good feedback and some suggestions for improvement. They will review the suggestions and continue to improve conferences in the future.

Jim Collings left the meeting at 8:11pm

- Operations Report

Brandie Evans presented the operations report. She discussed the wellness committee. Each teacher has created a resiliency plan that they will implement to help with wellness. They are having school safety week next week. She discussed how the staff was trained, what the school will do during safety week, and the schedule for drills and lessons. Brandie also discussed policies that need to be reviewed but not board approved. They discussed hosting 'I love you guys' school safety training at the school in November. They have finally received official approval to operate the National School Lunch Program. She discussed that there are 50% more students eating school lunch than they anticipated. She would like the board to consider purchasing some kitchen equipment in the future if these number stay consistent or go up. This will ensure they have the space and capacity to serve all students who want to eat lunch at both the Elementary school and the Jr High. David Ray requested a mini-income statement just for the food program from the finance committee. Brandie discussed the projects being funded by bond funds. The playground is running late the shipping is taking longer than anticipated. They are waiting for new cabinetry in the main office as well. Lastly, she discussed their recruitment and retention efforts. They have noticed that they can take down their google ads for August and September because they are not really helping at that time. They will ramp up advertising again mid-October each year right before the next year enrollment period opens.

CALENDARING

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individual (employee or student), and any of the following topics, if necessary: strategy sessions to discuss the purchase, exchange, lease or sale of real property; collective bargaining; or pending litigation, or other matters appropriate pursuant to statute(s).

There was no closed session. This item was tabled

ADJOURN

At 8:42PM Al Pranno made a motion to adjourn. David Ray seconded the motion. The motion passed unanimously. The votes were as follows: Al Pranno, Aye; Anna Mark, Aye; Lee Peterson, Aye; Alisha Johnson, Aye; John Cook, Aye.

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DRAFT



Budget Summary

10/31/2023
33% of the Year

Month End Report

Category	Type	YTD Actual	Budget	% of Budget	Forecast	% of Forecast
Revenue (3 Category records)						
1000 Local Revenue	Revenue	261,842	634,255	41%	634,255	41%
3000 State Revenue	Revenue	3,238,518	9,668,344	33%	9,700,275	33%
4000 Federal Revenue	Revenue	20,986	238,451	9%	238,451	9%
TOT		3,521,345	10,541,050		10,572,981	
Expense (8 Category records)						
100 Salaries	Expense	-1,403,354	-5,234,582	27%	-5,256,699	27%
200 Benefits	Expense	-343,714	-1,408,274	24%	-1,408,199	24%
300 Professional Services	Expense	-203,866	-737,185	28%	-745,685	27%
400 Property Services	Expense	-287,650	-910,000	32%	-935,650	31%
500 Other Services	Expense	-154,797	-438,904	35%	-438,904	35%
600 Supplies and Materials	Expense	-333,327	-548,628	61%	-564,231	59%
700 Property	Expense	-109,617	-220,000	50%	-220,000	50%
800 Debt and Miscellaneous	Expense	-537,276	-1,634,214	33%	-1,634,214	33%
TOT		-3,373,600	-11,131,786		-11,203,582	
TOT		147,746	-590,736		-630,601	

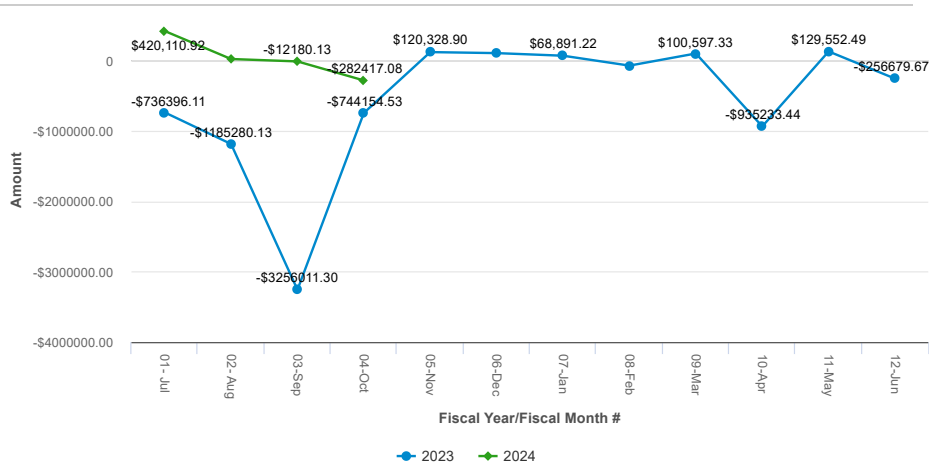
Financial Ratios

Bond Ratio	Covenant	Forecast
Debt Service Ratio	>1.10	1.15
Days Cash	>30 Days	176

Budget Analysis

- The 7/31/23 enrollment number is an estimate - See August Director's Report.
- Federal funding is received on a reimbursement basis after expenditures have been paid.
- The deficit in Net Income on 09/30/22 of \$3,259,011 is due to construction cost for the new Jr. High building.
- Many items in accounts 610 (General Supplies), 650 (Technology), 670 (Software), and 810 (Dues and Fees) are purchased at the beginning of the year. Thus, the percentage of budget used is substantially higher than the elapsed time.

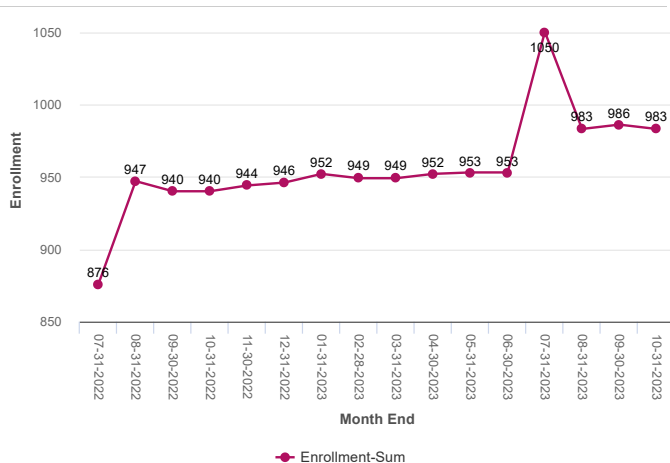
Net Income Trend



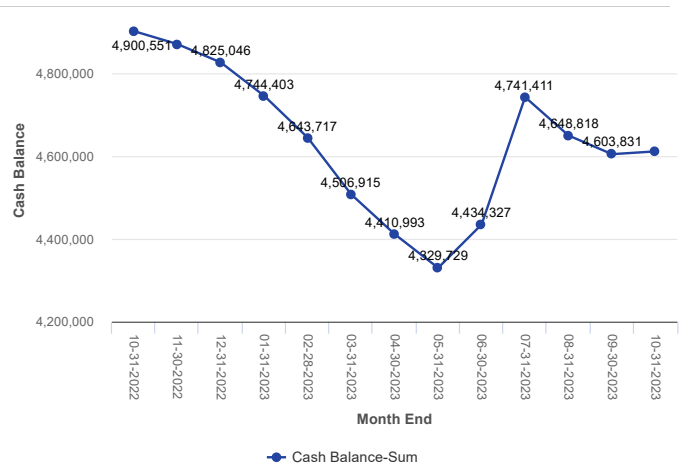
Capital Accounts

Account	YTD Amount	Budget	Forecast
0450 Construction Services	-173,759	-600,000	-600,000
0710 Land and Site Improvements	-47,507	0	0
0720 Building	-38,715	-120,000	-120,000
0730 Equipment	-95,739	-100,000	-100,000
TOT	-355,720	-820,000	-820,000

Enrollment Line Graph



Unrestricted Cash Balance



Month End Report (Prior vs Current)

Account	Category Type	Prior YTD	Current YTD	Budget	% of Budget	Forecast	% of Forecast
Revenue - 1000 Local Revenue (14 Account records)							
1510 Interest on Investments	Revenue	68,760	130,308	290,000	45%	290,000	45%
1610 Sales to Students	Revenue		69,294	150,000	46%	150,000	46%
1620 Sales to Adults	Revenue		308	0	0%	0	0%
1710 Admissions	Revenue	4,518	2,462	18,900	13%	18,900	13%
1741 General Student Fees	Revenue			10,000	0%	10,000	0%
1743 Curricular Activity Fees	Revenue	33,887	39,313	69,120	57%	69,120	57%
1747 Extra-Curricular Activity Fees	Revenue	10,223	10,970	22,735	48%	22,735	48%
1750 School Vending & Stores (Gross Sales)	Revenue	16,929	1,979	42,500	5%	42,500	5%
1760 Fines	Revenue	347	798	2,000	40%	2,000	40%
1770 Fundraising	Revenue	5,950		15,000	0%	15,000	0%
1790 Other Student Activity	Revenue		483	0	0%	0	0%
1910 Rentals	Revenue	900	1,180	3,000	39%	3,000	39%
1920 Contributions and Donations From Private Sources	Revenue	4,250	2,712	10,000	27%	10,000	27%
1990 Miscellaneous	Revenue	137	2,036	1,000	204%	1,000	204%
TOT		145,901	261,842	634,255		634,255	
Revenue - 3000 State Revenue (9 Account records)							
3005 Regular School Programs K	Revenue	69,332	140,204	420,613	33%	420,613	33%
3010 Regular School Programs 1-12	Revenue	1,018,976	1,094,424	3,419,924	32%	3,419,924	32%
3020 Professional Staff	Revenue	67,673	82,513	256,403	32%	256,403	32%
3100 Restricted Basic School Programs	Revenue	387,164	372,768	1,118,307	33%	1,118,307	33%
3200 Related to the Basic Programs	Revenue	1,118,561	1,095,379	3,258,239	34%	3,258,239	34%
3300 Special Populations	Revenue	49,598	12,122	36,440	33%	36,440	33%
3400 Other Programs	Revenue	106,143	210,140	617,753	34%	617,753	34%
3500 One-time Funding	Revenue	190,696	214,010	475,665	45%	483,492	44%
3800 Non-MSP State Revenues (via USBE)	Revenue	6,096	16,958	65,000	26%	89,103	19%
TOT		3,014,240	3,238,518	9,668,344		9,700,275	
Revenue - 4000 Federal Revenue (6 Account records)							
4200 Unrestricted Revenue Received From Federal Government Through The State	Revenue		-273	0	0%	0	0%
4500 Restricted Federal-Received via USBE	Revenue		273	0	0%	0	0%
4522 IDEA - B - Pre-School Disabled (Sec 619)	Revenue		0	2,172	0%	2,172	0%
4524 IDEA - B - Disabled (PL 101-476)	Revenue			132,575	0%	132,575	0%
4560 Federal Child Nutrition Programs	Revenue		20,986	100,000	21%	100,000	21%
4800 Federal No Child Left Behind	Revenue		0	3,704	0%	3,704	0%
TOT			20,986	238,451		238,451	
Expense - 100 Salaries (7 Account records)							
0121 Salaries - Principals and Assistants	Expense	-129,478	-151,055	-460,073	33%	-461,095	33%
0131 Salaries - Teachers	Expense	-851,717	-984,290	-3,885,311	25%	-3,942,428	25%
0132 Salaries - Substitute Teachers	Expense	-10,139	-14,934	-40,000	37%	-40,000	37%
0142 Salaries - Guidance Personnel	Expense	-30,151	-35,128	-137,455	26%	-137,455	26%
0152 Salaries - Secretarial and Clerical Personnel	Expense	-51,624	-71,746	-217,632	33%	-227,632	32%
0161 Salaries - Teacher Aides and Para-Professionals	Expense	-123,067	-130,151	-445,961	29%	-399,939	33%
0184 Salaries - Administrative Technology Personnel	Expense	-11,813	-16,050	-48,150	33%	-48,150	33%
TOT		-1,207,988	-1,403,354	-5,234,582		-5,256,699	
Expense - 200 Benefits (5 Account records)							
0220 Social Security	Expense	-87,930	-120,175	-533,789	23%	-533,714	23%
0230 Local Retirement	Expense	-39,161	-48,832	-160,000	31%	-160,000	31%
0240 Group Insurance	Expense	-241,094	-168,218	-713,485	24%	-713,485	24%
0270 Industrial Insurance	Expense	-20,123	-6,489	0	0%	0	0%
0290 Other Employee Benefits	Expense	-227	0	-1,000	0%	-1,000	0%
TOT		-388,535	-343,714	-1,408,274		-1,408,199	
Expense - 300 Professional Services (6 Account records)							
0320 Professional - Educational Services	Expense	-48,463	-27,343	-170,371	16%	-170,371	16%
0330 Professional Employee Training and Development	Expense	-10,984	-20,316	-50,000	41%	-58,500	35%
0340 Other Professional Services	Expense	-20,716	-6,683	-42,439	16%	-42,439	16%
0345 Business Services	Expense	-118,083	-122,083	-379,375	32%	-379,375	32%
0349 Purchased Legal Services	Expense			-5,000	0%	-5,000	0%
0350 Technical Services	Expense	-36,197	-27,440	-90,000	30%	-90,000	30%
TOT		-234,443	-203,866	-737,185		-745,685	
Expense - 400 Property Services (9 Account records)							
0411 Water/Sewage	Expense	-3,125	-6,018	-15,000	40%	-16,300	37%
0412 Disposal Service	Expense	-5,144	-4,215	-16,000	26%	-16,000	26%
0430 Repairs & Maintenance Services	Expense	-19,206	-15,263	-60,000	25%	-60,000	25%
0431 Non-Technology Repairs & Maint.	Expense	-212		0	0%	0	0%
0433 Custodial Services	Expense	-51,608	-50,800	-150,000	34%	-150,000	34%
0442 Rental of Equipment & Vehicles	Expense		-12,660	0	0%	0	0%
0443 Rental of Computers & Related Equipment	Expense	-20,375		-60,000	0%	-60,000	0%
0450 Construction Services	Expense	-17,194	-173,759	-600,000	29%	-600,000	29%
0490 Other Purchased Property Services	Expense	-7,393	-24,934	-9,000	277%	-33,350	75%

Account	Category Type	Prior YTD	Current YTD	Budget	% of Budget	Forecast	% of Forecast
TOT		-124,257	-287,650	-910,000		-935,650	
Expense - 500 Other Services (11 Account records)							
0513 Student Transportation Services - Commercial	Expense	-2,822	-1,839	-13,000	14%	-13,000	14%
0518 Student Day Trips/Field Trips (includes Admission Charges)	Expense		-45	-2,500	2%	-2,500	2%
0520 Insurance (Other than employee benefits)	Expense	-10,031	-61,919	0	0%	0	0%
0522 Liability Insurance	Expense	-52,199		-85,000	0%	-85,000	0%
0530 Communication (Telephone & Other)	Expense	-1,598	-1,334	-5,000	27%	-5,000	27%
0540 Advertising	Expense	-5,067	-4,023	-9,000	45%	-9,000	45%
0550 Printing and Binding	Expense	-628		-1,000	0%	-1,000	0%
0561 Student Tuition to other LEAs In State	Expense	-75		0	0%	0	0%
0569 Student Tuition - Other	Expense			-3,904	0%	-3,904	0%
0570 Food Service Management	Expense		-85,637	-315,000	27%	-315,000	27%
0580 Travel/Per Diem	Expense			-4,500	0%	-4,500	0%
TOT		-72,420	-154,797	-438,904		-438,904	
Expense - 600 Supplies and Materials (11 Account records)							
0610 General Supplies	Expense	-52,405	-57,145	-107,142	53%	-99,142	58%
0610-001 Furniture and Fixtures (not capitalized)	Expense	-3,256	-2,125	-10,000	21%	-10,000	21%
0610-002 Other Food Purchases	Expense	-7,494		0	0%	0	0%
0620 Energy	Expense	-1,319			0%		0%
0621 Natural Gas	Expense		-1,603	-25,000	6%	-25,000	6%
0622 Electricity	Expense	-19,093	-28,626	-75,000	38%	-75,000	38%
0641 Textbooks	Expense	-3,020	-38,899	-134,274	29%	-121,636	32%
0642 E-Textbooks / Online Curriculum	Expense	-68	-18,464	0	0%	0	0%
0650 Supplies - Technology Related	Expense	-90,589	-116,240	-108,973	107%	-129,611	90%
0670 Software	Expense	-41,124	-60,033	-48,238	124%	-63,841	94%
0680 Maintenance Supplies and Materials	Expense	-12,461	-10,191	-40,000	25%	-40,000	25%
TOT		-230,830	-333,327	-548,628		-564,231	
Expense - 700 Property (4 Account records)							
0710 Land and Site Improvements	Expense	2,456	-47,507	0	0%	0	0%
0720 Building	Expense	-6,177,469	-38,715	-120,000	32%	-120,000	32%
0730 Equipment	Expense		-23,395	-100,000	23%	-100,000	23%
0736 Technology Software	Expense	-10,150			0%		0%
TOT		-6,185,164	-109,617	-220,000		-220,000	
Expense - 800 Debt and Miscellaneous (4 Account records)							
0810 Dues and Fees	Expense	-78,950	-63,201	-69,740	91%	-69,740	91%
0830 Interest	Expense	-530,927	-474,075	-954,474	50%	-954,474	50%
0833 Amortization of Bond Issuance & Other Related Costs	Expense	-28,470		-35,000	0%	-35,000	0%
0840 Redemption of Principal	Expense	0	0	-575,000	0%	-575,000	0%
TOT		-638,347	-537,276	-1,634,214		-1,634,214	
TOT		-5,921,842	147,746	-590,736		-630,601	

Special Education Policy and Procedures Manual Changes Summary

The USBE creates a policy and procedures manual template for LEAs to follow. The only place we have deviated from the template is in red on page 11 with the addition of requiring annual child find training.

The updates to the policies and procedures manual align with the most recent update of the Utah Special Education Rules. A summary of the major changes to the rules is attached.

The biggest change for LPA to the policy and procedures manual is changing our method for determining eligibility for the category of Specific Learning Disability (SLD) from a combination model (looking at student response to intervention as well as discrepancy between cognitive and academic scores) to an alternative research-based method (pattern of strengths and weaknesses/PSW). Each LEA is required to select one of the following methods for determining eligibility for SLD: response to intervention, combination, or alternative research-based method.

PSW Explanation

<https://blog.psychedservices.com/pattern-of-strengths-and-weaknesses>

Other changes:

- The template manual includes wording on when an IEP amendment can and cannot be held (page 38). This is different from the wording that was adopted in our current manual (page 45).
- LEAs are required to develop inclusionary practices.
- Regarding disciplinary removals, language was added to include and describe shortened school days (page 64-65).

Utah State Board of Education 2022 Special Education Rules Revision Summary

I. General Provisions

Updated Definitions

Behavior Intervention Plan (BIP)
Co-teaching
Functional Behavior Assessment (FBA)
Postsecondary Transition
Specially Designed Instruction
Student with a Disability

New Definitions

Discipline
Functional Performance
Inclusion
Interim Alternative Educational Setting
Science of Reading
Shortened School Day in definition of Day
Speech-Language Technician
Alternate Achievement Standards

II. Identification, Location, and Evaluation

- Updated components of reading instruction to include science of reading and to match United States Code.
- Updated Developmental Delay. Changed age range to ages three through eight to align with code of federal regulations (CFR) and practices. Removed language from Developmental Delay evaluation that limits assessment.
- Changed “Emotional Disturbance” to “Emotional-Behavioral Disability.” Provided clarifying language to the definition of emotional-behavioral disability. Revised emotional-behavioral eligibility criteria to consider interventions and observable emotional and behavioral responses more effectively. Revised emotional-behavioral disability evaluation to include a functional behavior assessment, and a social and developmental history.

III. Individualized Education Program (IEP) Development and Service Delivery

- Added language about material and substantial changes to the individualized education program (IEP).
- Included language regarding an annual IEP goal related to postsecondary transition.
- Included section on inclusionary practices and local education agency (LEA) requirements and aligned to Full Educational Opportunity in the CFR.

IV. Procedural Safeguards: Due Process Procedures for Parents and Students

- Added discipline to when parents and adult students receive procedural safeguards notice.
- Updated the State complaint procedures and clarified filing requirements, timing of filing, and State complaint dismissal.
- Added language regarding personally identifiable information (PII) and non-parent complainants.
- Updated mediation section and clarified language regarding USBE’s role and timing in communicating mediation requests.

- Added requirement that LEA inform hearing officer and State Director of Special Education (or designee) of all scheduled and completed resolution meetings to ensure compliance with the resolution timeline.

V. Discipline Procedures

- Included shortened school days in change of placement section.
- Added language to expedited due process hearing timelines and the inability to extend the timeline.

VI. Students with Disabilities in other Settings

- Included language about the Carson Smith Scholarship and Special Needs Opportunity Scholarship Program.
- Included language about evaluating students in private schools.
- Updated expenditure language to explain calculation.

VII. Preschool and Postsecondary Transitions

- Included language regarding an annual IEP goal related to postsecondary transition.
- Included language regarding the development of the summary of academic achievement.

VIII. Responsibilities of the Utah State Board of Education

- Updated significant disproportionality to include CFR language and outline comprehensive coordinated early intervening services.
- Updated rule citations regarding licensing.

IX. Local Education Agency (LEA) Eligibility and Responsibilities

- Added language about Policy and Procedure Process for new LEAs.
- Updated language to include inclusive practices that provide for a Full Educational Opportunity.
- Updated Funding Prevalence in Disabling Conditions to match code.
- Language regarding 10-day membership drop rule and free appropriate public education (FAPE) obligation.
- Updated Educator License Requirement language and citations to be consistent with USBE Rules.

X. Special Education Funding

- Included and developed rule language regarding construction and altering existing facilities as outlined in UCA 53F-2-307.
- Updated special education add-on calculation to align with UCA 53F-2-307.
- Updated Special education self-contained allowable use to include UCA 53F-2-307 and 53F-2-308.
- Clarified language that federal funds are calculated, allocated, and classified according to 34 CFR §300.705.

- Replaced Federal Special Education Funds Table to match State Funds Table, alignment with account codes used for requesting funds.
- Updated Permissive Used of Funds to match UCA 53F-2-307.

Utah State Board of Education Next Steps

- 1) Utah Administrative Rule R277-750 and the Sped Manual filed with the Office of Administrative Rules (OAR) November 15th.
- 2) The rule will be published in the OAR bulletin on December 1st.
- 3) The rule will be open for public comment for 30 days.
- 4) Anticipated effective date is January 10, 2023.
- 5) Model policies and procedures made available to local education agencies for use in updating policies and procedures.

Local Education Agency (Districts and Charters) Next Steps

- 1) Revised policies and procedures in alignment with current rules within one year of the final Board approval of these Rules (tentatively January 10, 2024).
- 2) Submit special education policies and procedures for approval by the Utah State Board of Education special education staff.
- 3) Submit special education policies and procedures for approval by local board in a public meeting.
- 4) Submit documentation of the local board's approval to the Utah State Board of Education special education staff.

LEGACY PREPARATORY ACADEMY SPECIAL EDUCATION POLICIES AND PROCEDURES MANUAL

ALTERNATIVE SLD ELIGIBILITY METHOD

October 2023

ADA Compliant: 02/14/2023

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I. GENERAL PROVISIONS

I.A. PURPOSES (34 CFR § 300.1; RULES I.A.)

1. The primary purposes of this Legacy Preparatory Academy's policies and procedures manual, consistent with Utah Code Annotated (UCA) Title 53E, Chapter 7, Part 2, Special Education Program; and the Individuals with Disabilities Education Improvement Act (IDEA), as amended; are:
 - a. To ensure that all students with disabilities ages 3 through 21 in Utah, including students with disabilities who have been suspended or expelled from school and students who have not graduated from high school with a regular high school diploma, have available to them a free appropriate public education
 - b. (FAPE) that emphasizes special education and related services, as specified on an Individualized Education Program (IEP) designed to meet their unique needs and prepare them for further education, employment, and independent living;
 - c. To ensure that the rights of students with disabilities and their parent(s) are protected;
 - d. To ensure that State standards are established for the provision of a FAPE to students with disabilities, as defined in the Rules;
 - e. To assess and ensure the effectiveness of efforts to educate students with disabilities.

I.B. DEFINITIONS AS USED IN THESE RULES (34 CFR §§ 300.4–300.45; RULES I.E.)

1. Legacy Preparatory Academy has adopted all applicable definitions as found in Rule I.E. 1-59.

I.C. FULL EDUCATIONAL OPPORTUNITY GOAL (34 CFR § 300.109; RULES IX.A.2.D.(2)(c))

1. Legacy Preparatory Academy provides a free appropriate public education (FAPE) to all eligible students with disabilities in conformity with the requirements of the Rules and the IDEA. Legacy Preparatory Academy hereby affirms the goal of providing a full educational opportunity to all students with

disabilities determined eligible for special education and related services, of the ages served by Legacy Preparatory Academy, in accordance with all of the timeline requirements of the IDEA. Legacy Preparatory Academy follows all necessary requirements in the development and delivery of an individualized education program (IEP) for eligible students. Placement in the least restrictive environment (LRE) will be implemented to the maximum extent appropriate for students with special needs. Legacy Preparatory Academy provides a continuum of placements to address the needs of students with disabilities to ensure those students receive special education and related services appropriate to their needs.

I.D. METHODS OF ENSURING SERVICES (34 CFR § 300.154; RULES IX.A.2.D.(2)(M))

1. Legacy Preparatory Academy ensures each eligible student with disabilities enrolled in the school receives the services included in the IEP through a systematic process of IEP internal file reviews and monitoring of service delivery by Legacy Preparatory Academy personnel.

II. IDENTIFICATION, LOCATION, AND EVALUATION

II.A. CHILD FIND SYSTEM (34 CFR §§ 300.109, 300.111; RULES II.A.)

1. Legacy Preparatory Academy, in accordance with the requirements of Part B of the IDEA and with the Rules, has developed policies and procedures to ensure that all students with disabilities residing within the jurisdiction of the LEA, including students with disabilities birth through 21 years of age and, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated. These policies and procedures include a practical method for determining which students are currently receiving needed special education and related services and provide a process to reevaluate those who are found eligible within the three-year timeframe.
2. The requirements of this section apply to:
 - a. Highly mobile students with disabilities (such as students who are migrant and experiencing homelessness) (34 CFR § 300.111(c)(2)).
 - b. Students who have been suspended or expelled from school (34 CFR § 300.101(a)).
 - c. Students who have not graduated from high school with a regular high school diploma (34 CFR § 300.102(a)(3)(iii)).
 - d. Students who are suspected of being a student with a disability under the Rules and who are in need of special education and related services, even though they are advancing from grade to grade (34 CFR § 300.111(c)(1)).
 - e. Students who are homeschooled and students enrolled in private schools within the school district's boundaries.
 - f. Students in State custody/care.
 - g. Students in nursing homes.
3. Public charter schools are responsible for child find for students enrolled in their own school and have no responsibility for child find for students in private schools. Charter schools may not refer enrolled students to the local school district for child find.

4. The determination that a student is a “student with a disability” under the Rules must be made on an individual basis, by a group made up of the parent or student who is an adult and school personnel determined by the student’s LEA.
5. Major components of the child find system include:
 - a. LEA implementation, coordination, and tracking of child find activities and students identified, (34 CFR § 300.131).
 - b. USBE staff provision of ongoing technical assistance to LEAs, private schools, and other State agencies in implementing the child find system.
 - c. Implementation of the statewide data collection system for reporting student information, including Federal student count (34 CFR §§ 300.132, 300.640– 641) and the data requirements found in the Rules VI.B.3., which includes that:
 - (1) Each school district must maintain in its records, and provide to the USBE staff annually, the following information related to parentally placed or student who is an adult nonprofit private school students:
 - (a) The number of students evaluated and reevaluated within three years;
 - (b) The number of students determined to be students with disabilities; and
 - (c) The number of students served.
6. Annual training is provided on the Child Find obligation and on awareness of observed academic or social/emotional behaviors that might suggest a suspected disability. This training also includes training on the referral process.
7. The collection and use of data to meet the requirements of this section are subject to the confidentiality of information provisions under the Rules and R277-487.

II.B. REFERRAL (34 CFR § 300.301; RULES II.B.)

1. Consistent with the consent requirements in Rules II.C., either a parent or the student who is an adult or an LEA may initiate a request for an initial evaluation to determine if a student is a student with a disability under Part B of the IDEA and the Rules. Upon receipt of a request for an evaluation, Legacy Preparatory Academy must respond within a reasonable timeframe. The response may not be delayed due to Legacy Preparatory Academy's Response to Intervention process.
2. Legacy Preparatory Academy shall provide an initial special education assessment for children who enter the custody of the Division of Child and Family Services (DCFS), upon request by that division and the LEA obtains appropriate parental consent for the evaluation for children whose school records indicate that they may have disabilities requiring special education services.

II.C. PARENTAL CONSENT (34 CFR § 300.300; RULES II.C.)

1. Parental consent for initial evaluation.
 - a. The LEA proposing to conduct an initial evaluation to determine if a student qualifies as a student with a disability under the Rules must, after providing prior written notice to the parent or student who is an adult, obtain informed consent, consistent with Rules I.E.9, from the parent of the student or the student who is an adult before conducting the evaluation.
 - (1) Consent from a parent or student who is an adult for initial evaluation must not be construed as consent for initial provision of special education and related services.
 - (2) Legacy Preparatory Academy must make reasonable efforts to obtain informed consent from the parent or student who is an adult for an initial evaluation to determine whether the student is a student with a disability.
 - (3) When conducting psychological evaluations, Legacy Preparatory Academy must implement the parental or student who is an adult

consent requirements of UCA 53E-9-203 (Student Privacy and Data Protection).

- b. For initial evaluations only, if the student is a ward of the State and is not residing with the student's parent(s), Legacy Preparatory Academy is not required to obtain informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability if:
 - (1) Despite reasonable efforts to do so, Legacy Preparatory Academy cannot discover the whereabouts of the parent(s) of the student;
 - (2) The rights of the parent(s) of the student have been terminated in accordance with State law; or
 - (3) The rights of the parent(s) to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.
- c. If the parent(s) of a student or a student who is an adult enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation, or fails to respond to a request to provide consent, Legacy Preparatory Academy may, but is not required to, pursue the initial evaluation of the student by utilizing the procedural safeguards or the due process procedures in Section IV of the Rules.
 - (1) Legacy Preparatory Academy does not violate its obligation under the child find provisions of the Rules if it declines to pursue the evaluation by utilizing the procedural safeguards or the due process procedures.

2. Parental consent for services.

- a. Legacy Preparatory Academy that is responsible for making a FAPE available to a student with a disability must obtain informed consent from the parent(s) of the student or student who is an adult before the initial provision of special education and related services to the student.
- b. Legacy Preparatory Academy must make reasonable efforts to obtain informed consent from the parent(s) or student who is an adult for the

initial provision of special education and related services to the eligible student with disabilities.

- c. If the parent(s) of a student or student who is an adult fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, Legacy Preparatory Academy:
 - (1) May not use the procedures in of the Rules IV., including the mediation procedures or the due process procedures, in order to obtain agreement or a ruling that the services may be provided to the student;
 - (2) Will not be considered to be in violation of the requirement to make available a FAPE to the student for the failure to provide the student with the special education and related services for which Legacy Preparatory Academy requests consent; and
 - (3) Is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which Legacy Preparatory Academy requests such consent.

- d. If, at any time subsequent to the initial provision of special education and related services, the parent(s) of a student or student who is an adult revokes consent in writing for the continued provision of special education and related services, Legacy Preparatory Academy:
 - (1) May not continue to provide special education and related services to the student but must provide prior written notice in accordance with Rules IV.D. before ceasing the provision of special education and related services;
 - (2) May not use the procedures in Rules IV., including the mediation procedures or the due process procedures, in order to obtain agreement or a ruling that the services may be provided to the student;
 - (3) Will not be considered to be in violation of the requirement to make available a FAPE to the student for the failure to provide the student with the special education and related services for which Legacy Preparatory Academy requests consent; and

- (4) Is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which Legacy Preparatory Academy requests such consent (34 CFR § 300.300).
3. Parental consent for reevaluations.
 - a. Legacy Preparatory Academy must obtain informed parental or student who is an adult consent prior to conducting any reevaluation of a student with a disability.
 - b. If the parent or student who is an adult refuse to consent to the reevaluation, Legacy Preparatory Academy may, but is not required to, pursue the reevaluation by using the dispute resolution procedures provided in the procedural safeguards, and including mediation or due process procedures.
 - c. Legacy Preparatory Academy does not violate its obligation under child find if it declines to pursue the reevaluation.
 - d. The informed parental or student who is an adult consent need not be obtained if the LEA can demonstrate that:
 - (1) It made reasonable efforts to obtain such consent; and
 - e. The student's parent or the student who is an adult has failed to respond.
 4. Other consent requirements.
 - a. Parental or student who is an adult consent is not required before:
 - (1) Reviewing existing data as part of an evaluation or a reevaluation; or
 - (2) Administering a test or other evaluation that is administered to all students unless consent is required for all students before administration of that test or evaluation.
 - b. Legacy Preparatory Academy may not use a parent's or student who is an adult refusal to consent to one service or activity under Rules II.C.1., II.C.2., or II.C.3., to deny the parent or student any other service, benefit, or activity of the LEA, except as required by this part.

- c. To meet the reasonable efforts requirement in Rules II.C.1.a.2., II.C.1.b.1., II.C.2.b., and II.C.3.d.1., Legacy Preparatory Academy must document its attempts to obtain parental or student who is an adult consent using the procedures in Rules III.G.3.
- d. Unless parent(s) or the student who is an adult revoke consent for special education and related services or refuse consent for initial placement, disagreements regarding the provision of IEP services should be resolved by the IEP Team and result in a completed IEP which includes all components necessary for the provision of FAPE.

II.D. INITIAL EVALUATION (34 CFR § 300.301; RULES II.D.)

- 1. Legacy Preparatory Academy must conduct a full and individual initial evaluation to determine whether a student is a “student with a disability” under Part B of the IDEA and the Rules, and to determine the educational needs of the student.
- 2. The initial evaluation:
 - a. Must be conducted within 45 school days of receiving parental or student who is an adult consent for the evaluation, unless:
 - (1) The initial evaluation is requested by the Division of Child and Family Services (DCFS) and Legacy Preparatory Academy obtains appropriate consent for the evaluation, in which case Legacy Preparatory Academy shall provide an initial special education evaluation to an individual who enters DCFS custody if DCFS suspects the individual may be an eligible student within 30 days after the day on which DCFS makes the request (UCA 53E-7-207).
 - (a) Legacy Preparatory Academy may refuse to conduct an evaluation described in the Rules II.a.(1). if Legacy Preparatory Academy reviews the relevant data regarding the individual and, within ten days after the day on which Legacy Preparatory Academy received the request described in the Rules II.a.(1)., gives the DCFS prior written notice of refusal to evaluate.
 - b. Must consist of procedures to determine:
 - (1) If the student is a student with a disability; and

- (2) The educational needs of the student.
3. The timeframe shall not apply to Legacy Preparatory Academy if:
 - a. The parent of a student repeatedly fails or refuses to produce the student for the evaluation; or
 - b. The student who is an adult repeatedly fails or refuses to participate in evaluation activities; or
 - c. A student enrolls in Legacy Preparatory Academy after the relevant timeframe has begun, and prior to a determination by the student's previous LEA as to whether the student is a student with a disability.
 - d. The exception in Rules II.D.3.c. applies only if Legacy Preparatory Academy is making sufficient progress to ensure a prompt completion of the evaluation, and the parent or student who is an adult and Legacy Preparatory Academy agree to a specific time when the evaluation will be completed.

II.E. SCREENING FOR INSTRUCTIONAL PURPOSES (34 CFR § 300.302; RULES II.E.)

1. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. Results of screenings should be considered by Legacy Preparatory Academy for child find purposes.

II.F. EVALUATION PROCEDURES (34 CFR § 300.304; RULES II.F.)

1. Legacy Preparatory Academy has established and implemented procedures that meet the evaluation requirements of Part B of the IDEA and the Rules as follows:
 - a. In conducting the evaluation, Legacy Preparatory Academy must:
 - (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by a parent or student who is an adult, that may assist in determining:
 - (a) Whether the student is a student with a disability; and

- (b) The content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (or, for a student in preschool, to participate in appropriate activities);
- (2) Not use any single procedure as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student; and
- (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors Legacy Preparatory Academy must consider the publication date and continued validity of assessments in use when new editions are published.
- (4) Legacy Preparatory Academy must ensure that assessments and other evaluation materials used to assess a student:
 - (a) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (b) Are provided and administered in the student's native language or other mode of communication, and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
 - (c) Are selected to assess the specific areas of concern identified by the assessment/evaluation group, including the parent(s) or student who is an adult;
 - (d) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (e) Are selected and administered by trained and knowledgeable personnel based upon the specific assessment's requirements; and
 - (f) Are administered and interpreted in accordance with any instructions and administrator requirements provided by the

producer of the assessments and the Standards for Educational and Psychological Testing (AERA, APA, NCME, 2014).

- (i) Legacy Preparatory Academy must ensure and document that all evaluators meet the assessment publishers' administrator/interpreter/user requirements, (e.g., appropriate degree, higher education coursework in tests and measures, and supervised clinical experiences/practica).
- (ii) Legacy Preparatory Academy shall provide documentation to USBE staff upon request.

(5) Legacy Preparatory Academy must ensure that:

- (a) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- (b) Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- (c) The administration of psychological testing and the evaluation or assessment of personal characteristics, such as intelligence (e.g., cognitive, IQ), personality, abilities, interests, aptitudes, and neuropsychological functioning are only administered and interpreted by personnel who have been trained and fully meet the administrator/ interpreter/user qualifications of the test publisher (e.g., appropriate degree, higher education coursework in tests and measures, and supervised clinical experiences/practica).
- (d) The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social

and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

- (e) Assessments of students with disabilities who transfer from another LEA to Legacy Preparatory Academy in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.
 - (f) In evaluating each student with a disability, the evaluation is sufficiently comprehensive to identify all the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified.
 - (g) Assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the student are provided.
- b. The USDB is available to LEAs for assessments of students with visual impairment and hearing loss, as well as professional learning on appropriate administration of assessments, and procedures to ensure appropriate interpretation of assessments (R277-800-7).

II.G. REEVALUATION PROCEDURES (34 CFR § 300.303; RULES II.G.)

1. Legacy Preparatory Academy must ensure that a reevaluation of each student with a disability is conducted:
 - a. If Legacy Preparatory Academy determines that the educational or related services needs, including improved academic achievement and functional performance, of the student warrant a reevaluation; or
 - b. If the student's parents or student who is an adult or teacher requests a reevaluation.
2. A reevaluation:
 - a. May occur not more than once a year, unless the parents or student who is an adult and Legacy Preparatory Academy agree otherwise; and

- b. Must occur at least once every three years, unless the parents or adult student and Legacy Preparatory Academy agree that a reevaluation is unnecessary as there are data available to continue eligibility and determine the educational needs of the student. When the parents or student who is an adult and LEA agree that a reevaluation is unnecessary, the group must document data reviewed and used in an evaluation report and complete an eligibility determination.

II.H. ADDITIONAL REQUIREMENTS FOR INITIAL EVALUATIONS AND REEVALUATION PROCEDURES (34 CFR § 300.305; RULES II.H.)

- 1. As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must:
 - a. Review existing evaluation data on the student, including:
 - (1) Evaluations and information provided by the parent(s) of the student or the student who is an adult;
 - (2) Current classroom-based, local, or State assessments, and classroom-based observations; and
 - (3) Observations by teachers and related services providers; and
 - b. On the basis of that review, and input from the student's parent(s) or the adult student, identify what additional data, if any, are needed to determine:
 - (1) Whether the student is a student with a disability and the educational needs of the student; or, in the case of a reevaluation of a student, whether the student continues to have such a disability, and the educational needs of the student;
 - (2) The present levels of academic achievement and related developmental needs of the student;
 - (3) Whether the student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
 - (4) Whether any additions or modifications to the special education and related services are needed to enable the student to meet the

measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

2. The IEP Team and other qualified professionals, as appropriate, may conduct its review of existing data without a meeting.
3. Legacy Preparatory Academy must administer such assessments and other evaluation measures as may be needed to produce the data needed to determine continuing eligibility.
4. If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the LEA must notify the student's parent(s) or student who is an adult of:
 - a. That determination and the reasons for the determination; and
 - b. The right of the parent(s) or student who is an adult to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student's educational needs.
5. Legacy Preparatory Academy is not required to conduct the assessment for reevaluation described in Rules II.H.4.b unless requested to do so by the student's parent(s) or the student who is an adult.
6. Evaluations before change in eligibility.
 - a. Legacy Preparatory Academy must evaluate a student with a disability before determining that the student is no longer a student with a disability.
 - b. The evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law (i.e., age 22).
 - c. For a student whose eligibility terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under State law, Legacy Preparatory Academy must provide the student with a summary of the student's academic achievement and functional performance, which shall include

recommendations on how to assist the student in meeting the student's postsecondary goals.

II.I. DETERMINATION OF ELIGIBILITY (34 CFR § 300.306; RULES II.I.)

1. Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parents of the student or the student who is an adult determine eligibility under Part B of the IDEA and the Rules, including:
 - a. Whether that student is a student with a disability, and
 - b. The educational needs of the student.
2. Legacy Preparatory Academy shall provide the parents or adult student with a copy of the evaluation report and the documentation of determination of eligibility.
3. A student must not be determined to be a student with a disability:
 - a. If the determinant factor for that determination is:
 - (1) Lack of appropriate instruction in the science of reading, including the essential components of reading instruction (explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills, and reading comprehension strategies) (20 USC 6368(3));
 - (2) Lack of appropriate instruction in mathematics; or
 - (3) Limited English proficiency; and
 - b. If the student does not otherwise meet the eligibility criteria.
4. Procedures for determining eligibility and educational need.
 - a. In interpreting evaluation data for the purpose of determining if a student is a student with a disability and the educational needs of the student, Legacy Preparatory Academy must:
 - (1) Draw upon information from a variety of sources, such as aptitude and achievement tests, parent or student who is an adult input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

- (2) Ensure that information obtained from all of these sources is documented and carefully considered.
- b. If a determination is made that a student has a disability and needs special education and related services, an IEP must be developed for the student within 30 calendar days.

II.J. CATEGORICAL DEFINITIONS, CRITERIA, AND ASSESSMENTS (34 CFR § 300.8; 34 CFR § 300.304 34 CFR § 300.306; RULES II.J.)

1. Legacy Preparatory Academy has adopted the criteria and evaluation procedures, by category, for determining eligibility for a student with disabilities under Part B of the IDEA and the Rules II.J.1-13. Including: Specific Learning Disabilities (Rules II.J.11.).
 - a. Definition (34 CFR § 300.8(C)(10)); Rules II.J.11.a.
 - (1) *Specific learning disabilities* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, that affects a student's educational performance.
 - (2) *Specific learning disabilities* does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional behavioral disability; or of environmental, cultural, or economic disadvantage.
 - b. Procedures for Identifying Students with Specific Learning Disabilities (34 CFR § 300.307; Rules II.J.11.b).
 - (1) Legacy Preparatory Academy has adopted the following method for determining a student's eligibility under the specific learning disability category. An LEA may use one of the following methods for determining a student's eligibility under the specific learning disability category:
 - (a) Alternative method:

- (2) An other alternative research-based procedure (Patterns of Strengths and Weaknesses (PSW) approved by Legacy Preparatory Academy's school board and submitted to the USBE called the Alternative method that demonstrates that the student does not make sufficient progress to meet State-approved age- or grade-level standards in one or more of the areas identified in the Rules II.J.11.b.(3)(a) (the group must refer to the USBE Specific Learning Disability Eligibility Guidelines when using this method). Additional group members (34 CFR § 300.308; Rules II.J.11.b.(2)).
 - (a) The determination of whether a student suspected of having a specific learning disability is a student with a disability must be made by the student's parent(s) or student who is an adult and a group of qualified professionals, which must include:
 - (b) The student's regular teacher; or
 - (c) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of the student's age; or
 - (d) For a student of less than school age; an individual qualified by the USBE to teach a student of the student's age; and
 - (e) At least one person qualified to conduct individual diagnostic examinations of students and interpret the results of those assessments (as per the publisher's assessment administration criteria), such as a school psychologist, speech language pathologist, reading teacher or reading specialist, or special education teacher.
- (3) Determining the existence of a specific learning disability (34 CFR § 300.309; Rules II.J.11.b.(3)).
 - (a) The group described may determine that a student has a specific learning disability if:
 - (b) The student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and

instruction appropriate for the student's age or State-approved grade-level standards:

- (i) Oral expression;
- (ii) Listening comprehension;
- (iii) Written expression;
- (iv) Basic reading skills;
- (v) Reading fluency skills;
- (vi) Reading comprehension;
- (vii) Mathematics calculation;
- (viii) Mathematics problem solving.

(c) The group determines that its findings are not primarily the result of:

- (i) A visual, hearing, or motor disability;
- (ii) Intellectual disability;
- (iii) Emotional-behavioral disability;
- (iv) Cultural factors;
- (v) Environmental or economic disadvantage; or
- (vi) Limited English proficiency.

(4) The specific learning disability must adversely affect the student's educational performance.

(5) The student with the specific learning disability must need special education and related services (34 CFR § 300.8(a); Rules II.J.11.b.(5)).

(6) The group must determine that the specific learning disability is the student's primary disability.

c. Evaluation (34 CFR § 300.309(b)–(c); Rules II.J.11.c).

- (1) An evaluation must include a variety of assessment tools and strategies and cannot rely on any single procedure as the sole criterion.
- (2) To ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation:
 - (a) Data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - (b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parent(s) or the student who is an adult.
- (3) Legacy Preparatory Academy must promptly request parental consent or consent of the adult student to evaluate the student to determine if the student needs special education and related services, and must adhere to the 45-school-day evaluation timeframe, unless extended by mutual written agreement of the student's parent(s) or student who is an adult and a group of qualified professionals:
 - (a) If, prior to a referral, a student has not made adequate progress after an appropriate period of time as determined by Legacy Preparatory Academy when provided appropriate instruction, and
 - (b) Whenever a student is referred for an evaluation.
- (4) Observation (34 CFR § 300.310(a)-(c); Rules II.J.11.b.(4)).
 - (a) Legacy Preparatory Academy must ensure that the student is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of concern.
 - (b) The group must decide to:

- (i) Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or
 - (ii) Have at least one member of the group conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent or consent of the student who is an adult is obtained.
- (c) If the student is a home-schooled student, Legacy Preparatory Academy may determine how to conduct the observation and who will conduct it.
- (d) In the case of a student of less than school age or who is out of school, a group member must observe the student in an environment appropriate for a student of that age.
- (5) Specific documentation for the eligibility determination (34 CFR § 300.311; Rules II.J.11.b.(5)). The group's documentation of the determination of eligibility with a specific learning disability must contain a statement of:
- (a) Whether the student has a specific learning disability;
 - (b) The basis for making the determination, including an assurance that the determination has been made in accordance with Rules II.I.;
 - (c) The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;
 - (d) The educationally relevant medical findings, if any; and
 - (e) Whether the student meets the criteria below.
 - (A) Alternative. The use of other alternative research-based procedures (e.g., Patterns of Strengths and Weaknesses (PSW) approved by Legacy Preparatory Academy's board and submitted to the USBE.

- (B) Legacy Preparatory Academy uses a method that demonstrates the student does not make sufficient progress to meet State-approved age- or grade-level standards in one or more of the areas identified in the Rules II.J.11.b.(3)(a) when using Legacy Preparatory Academy's local board approved research-based process (the group must refer to the USBE Specific Learning Disability Eligibility Guidelines when using this method).
 - (C) The group must:
 - (D) Review data from multiple sources that examines the student's progress over time in the area(s) of concern when evidence-based instruction has been provided;
 - (E) Identify the student's strengths and an weaknesses that are evident in both the classroom and standardized assessment results;
 - (F) Using standardized testing, determine a relationship between the student's cognitive processing delays and academic deficits exits;
 - (G) Consider whether the student's cognitive deficit, from standardized testing, includes both a normative and an intraindividual weakness that is consistent with academic/classroom performance data;
 - (H) Consider whether the student's cognitive deficit, from standardized testing, includes both a normative and an intraindividual strength that is consistent with academic/classroom performance data; and
- (6) Identify that a relationship between the student's cognitive weakness and academic/classroom performance is evident over time. The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional- behavioral disability; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level;

- (7) The requirements of Rules II.D.–H. must be met.
- (8) Each group member must certify in writing whether the report reflects the member's conclusion (§ 300.311(b)). If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

III. IEP DEVELOPMENT AND SERVICE DELIVERY

III.A. INDIVIDUALIZED EDUCATION PROGRAM (IEP) (RULES III.A.)

1. Legacy Preparatory Academy implements the following IEP requirements, including the Least Restrictive Environment (LRE) requirements, consistent with Part B of the IDEA and the Rules, as well as R277-750, R277-800, and R277-801.

III.B. WHEN IEPS MUST BE IN EFFECT (34 CFR § 300.323; RULES III.B.)

1. At the beginning of each school year, Legacy Preparatory Academy must have an IEP in effect for each student with a disability within its jurisdiction.
2. Legacy Preparatory Academy must ensure that:
 - a. A meeting to develop an IEP for a student is conducted within 30 calendar days of a determination that the student needs special education and related services; and
 - b. As soon as possible following development of the IEP, special education and related services are made available to the student in accordance with the student's IEP.
 - c. Legacy Preparatory Academy must ensure that the student's IEP is:
 - (1) Accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation; and
 - (2) Each teacher and provider is informed of:
 - (a) The teacher's specific responsibilities related to implementing the student's IEP; and
 - (b) The specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.
3. Documentation of IEP implementation shall be provided to USBE upon request.

III.C. STUDENTS WHO TRANSFER (34 CFR § 300.323; RULES III.C.)

1. Transfers within Utah.
 - a. In the case of a student with a disability with a current IEP who transfers from one LEA to another within the State within the same school year and enrolls in a new school, Legacy Preparatory Academy, in consultation with the parent(s) or student who is an adult, must provide a FAPE to the student, including services comparable to those described in the previously held IEP, until such time as Legacy Preparatory Academy:
 - (1) Adopts the previously held IEP, or
 - (2) Develops, adopts, and implements a new IEP that is consistent with Federal regulations and the Rules.
 - b. The requirements of 34 CFR § 300.323 also apply for students transferring from an LEA placement to a local juvenile or adult correctional facility or temporary State placement for observation and assessment.
2. Transfers from out of State.
 - a. In the case of a student with a disability with a current IEP who transfers LEAs within the same school year, who enrolls in a new school, and who has an IEP that was in effect in another State, Legacy Preparatory Academy, in consultation with the parent(s) or student who is an adult, must provide the student with a FAPE, including services comparable to those described in the previously held IEP, until Legacy Preparatory Academy:
 - (1) Conducts an evaluation, if determined to be necessary by Legacy Preparatory Academy; and
 - (2) Develops a new IEP, if appropriate, that is consistent with Federal and State law.
 - b. The evaluation for eligibility that may be conducted by Legacy Preparatory Academy is considered an initial evaluation, not a reevaluation (71 Federal Register 4668- 82).
3. To facilitate the transition for a student described above:

- a. Legacy Preparatory Academy must take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous LEA in which the student was enrolled; and
 - b. The previous LEA in which the student was enrolled must take reasonable steps to promptly respond to the request from Legacy Preparatory Academy.
 - c. The LEA transferring the records must keep a copy of the records for at least three years after the transfer as outlined in Rule VIII.S.
4. Experiencing difficulty in obtaining the IEP from the previous LEA does not relieve the LEA where the student is currently enrolled of its obligation to have a current IEP in place for a student who is eligible.

III.D. LEA RESPONSIBILITY FOR IEP MEETINGS (34 CFR § 300.323(C)(1); RULES III.D.)

1. Legacy Preparatory Academy is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability age 3 through 21, consistent with the Rules.
2. A meeting to develop an IEP for a student who is eligible must be conducted within 30 calendar days of a determination that a student needs special education and related services.

III.E. IEP TEAM MEMBERSHIP (34 CFR § 300.321; RULES III.E.)

1. Legacy Preparatory Academy must ensure that the IEP Team for each student with a disability includes:
 - a. The parents of the student or the student who is an adult;
 - b. Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
 - c. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;
 - d. A representative of Legacy Preparatory Academy who:

- (1) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
 - (2) Is knowledgeable about the general education curriculum; and
 - (3) Is knowledgeable about the availability of resources of the LEA.
 - (4) Legacy Preparatory Academy may designate a Legacy Preparatory Academy member of the IEP Team to also serve as the LEA representative, if the above criteria are satisfied.
- e. A representative of USDB and the LEA of residence when the student's placement is at USDB, when the IEP Team is considering placement at USDB, or when the student receives 180 minutes or more of special education and/or related services from USDB.
 - f. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in this section of the Rules;
 - g. At the discretion of the parent or student who is an adult or the LEA, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and
 - h. Whenever appropriate, the student with a disability.
 - i. The determination of knowledge or special expertise of any individual described in the Rules III.E.6 above must be made by the party (parents or student who is an adult or LEA) who invited the individual to be a member of the IEP Team.
 - j. If a purpose of the IEP Team meeting is consideration of the postsecondary goals for the student and the postsecondary transition services needed to assist the student in reaching those goals, the LEA must invite the student with a disability to attend the student's IEP meeting. If the student does not attend the IEP meeting, Legacy Preparatory Academy must take other steps to ensure that the student's preferences and interests are considered.
 - k. To the extent appropriate, with the written consent of the parents or student who is an adult, Legacy Preparatory Academy must invite a

representative of any participating agency that is likely to be responsible for providing or paying for postsecondary transition services.

- I. Signatures on an IEP denote participation of IEP Team members in the development of the IEP.

III.F. IEP TEAM ATTENDANCE (34 CFR § 300.321; RULES III.F.)

1. A required member of the IEP Team is not required to attend a particular IEP Team meeting, in whole or in part, if the parents of a student with a disability or student who is an adult and the LEA agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.
2. A required member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:
 - a. The parents or student who is an adult, in writing, and the LEA consent to the excusal; and
 - b. The member submits, in writing, to the parents or student who is an adult and the IEP Team, input into the development of the IEP prior to the meeting.

III.G. PARENT PARTICIPATION (34 CFR § 300.322; RULES III.G.)

1. Legacy Preparatory Academy must take steps to ensure that one or both of the parents of a student with a disability or the student who is an adult are present at each IEP meeting or are afforded the opportunity to participate, including:
 - a. Notifying parents or student who is an adult of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. Scheduling the meeting at a mutually agreed-on time and place.
2. If the parents or student who is an adult cannot attend, Legacy Preparatory Academy must use other methods to ensure participation of the parents or the student who is an adult, including individual or conference telephone calls. The parents of a student with a disability or the student who is an adult and Legacy Preparatory Academy may agree to use alternative means of meeting

participation, such as video conferences and conference calls (34 CFR § 300.328).

3. A meeting may be conducted without a parent or the student who is an adult in attendance if Legacy Preparatory Academy is unable to convince the parent(s) or the student who is an adult that they should attend. In this case, Legacy Preparatory Academy must keep a record of its attempts to arrange a mutually agreed-on time and place, such as:
 - a. Detailed records of telephone calls made or attempted and the results of those calls;
 - b. Copies of correspondence sent to the parents or student who is an adult and any responses received; and
 - c. Detailed records of visits made to the parents' or student who is an adult home or place of employment and the results of those visits.
4. Legacy Preparatory Academy must take whatever action is necessary to ensure that the parent(s) or student who is an adult understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parent(s) or student who is an adult with deafness or whose native language is other than English.
 - a. Under UCA 35A-13-604, an individual is required to be certified as an interpreter if that individual provides interpreter services for deaf and hard of hearing individuals.
 - b. An individual providing interpreting services other than those for deaf and hard of hearing individuals shall be trained.
5. The parent(s) of a student with a disability or student who is an adult are participants along with school personnel in developing, reviewing, and revising the IEP for their student. This is an active role in which the parent(s) or student who is an adult:
 - a. Provide critical information regarding the strengths of the student and express their concerns for enhancing the education of the student;
 - b. Participate in the discussion of the student's need for special education and related services, and supplementary aids and services; and

- c. Join with other participants in deciding how the student will be involved and progress in the general curriculum, how the student will participate in State- and LEA-wide assessments, and what services Legacy Preparatory Academy will provide to the student and in what setting.
6. Legacy Preparatory Academy must give the parent(s) or adult student a copy of the student's IEP at no cost to the parent(s) or student who is an adult.

III.H. NOTICE OF MEETING (34 CFR § 300.322; RULES III.H.)

1. The notice of meeting required to be provided to the parent(s) or student who is an adult must:
 - a. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - b. Inform the parent(s) or student who is an adult of the provision for participation of other individuals who have knowledge or special expertise about the student on the IEP Team.
 - c. Inform the parent(s) that at their request the Part C service coordinator or other representatives of the Part C system may be invited to participate at the initial IEP Team meeting for a student previously served under Part C of the IDEA.
2. For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP Team, the IEP notice of meeting also must:
 - a. Indicate that a purpose of the meeting will be the consideration of the postsecondary goals and postsecondary transition services for the student; and
 - b. Indicate that Legacy Preparatory Academy will invite the student; and
 - c. Identify any other agency that will be invited, with parental or student who is an adult consent, to send a representative.
3. When conducting IEP Team meetings and placement meetings and carrying out administrative matters, the parent(s) of a student with a disability or student who is an adult and Legacy Preparatory Academy may agree to use alternative means of meeting participation such as video conferences and conference calls (34 CFR § 300.328).

III.I. DEVELOPMENT, REVIEW, AND REVISION OF THE IEP (34 CFR § 300.324; RULES III.I.)

1. Development, review, and revision of the IEP.
 - a. In developing each student's IEP, the IEP Team must consider:
 - (1) The strengths of the student;
 - (2) The concerns of the parent(s) or adult student for enhancing the education of the student;
 - (3) The results of the initial or most recent evaluation of the student, and
 - (4) The academic, developmental, and functional needs of the student.
 - b. The IEP Team, in conducting a meeting to develop, review and, if appropriate, revise a student's IEP, must consider the following special factors:
 - (1) In the case of a student with limited English proficiency (LEP), consider the language needs of the student as those needs relate to the student's IEP;
 - (2) In the case of a student who is blind or visually impaired, provide for instruction in braille and the use of braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the student;
 - (a) Prior to determining whether a student who is blind should use braille as the primary reading mode, the student's IEP Team must be provided (through pertinent literature or discussions with competent braille users and educators, or both) with detailed information about the use and efficiency of braille as a reading medium, in order to make an informed choice as to the student's primary reading.
 - (3) Consider the communication needs of the student and, in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct

communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

- (4) Consider whether the student needs assistive technology devices and services in school and on a case-by-case basis, in a student's home or other setting; and
- (5) In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavior interventions and supports, and other strategies (e.g., conduct a functional behavior assessment, develop a behavior intervention plan), to address that behavior.
 - (a) When making decisions on behavior interventions, the IEP Team must refer to the USBE Technical Assistance (TA) manual that outlines the Least Restrictive Behavior Interventions (LRBI) for information on research-based intervention procedures.
 - (i) Emergency safety interventions may only be included in an IEP as a planned intervention when the IEP Team agrees that less restrictive means which meet circumstances in R277-608 have been attempted, an FBA has been conducted, and a BIP based on data analysis has been developed and implemented (R277-609).
 - (b) The purpose of the LRBI related to the use of positive behavior supports and behavior interventions in schools is to:
 - (i) Protect the safety and well-being of all students;
 - (ii) Provide protection for students, teachers, other school personnel, and LEAs; and
 - (iii) Ensure that parent(s) or students who is an adult are involved in the consideration and selection of behavior interventions to be used.
 - (c) When an emergency situation occurs that requires the immediate use of an emergency safety intervention to protect the student or

others from harm, the staff shall comply with requirements in R277-609 with regards to time limitations and parental or student who is an adult notification.

- (d) As appropriate, the student should receive an FBA and behavior intervention services and modifications that are designed to address the behavior (34 CFR § 300.530(d)(1)(ii)).
 - c. If, in considering the special factors described above, the IEP Team determines that a student needs a particular device or services for educational purposes (including an intervention, accommodation, or other program modification) in order for the student to receive a FAPE, the IEP Team must include a statement to that effect in the student's IEP.
 - d. A regular education teacher of a student with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the student, including the determination of:
 - (1) Appropriate positive behavior interventions and supports and other strategies for the student; and
 - (2) Supplementary aids and services, program modifications, and support for school personnel consistent with the IEP.
2. Changes to the IEP.
- a. In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent(s) of a student with a disability or student who is an adult and Legacy Preparatory Academy may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP.
 - (1) The LEA shall convene a meeting with the IEP Team regarding material or substantial changes to the IEP (e.g., the amount of service time, change in placement, termination of services).
 - b. Upon request, the parent(s) or student who is an adult must be provided with a revised copy of the IEP with the amendments incorporated.

- c. If changes are made to the student's IEP through the amendment process, Legacy Preparatory Academy must ensure that the student's IEP Team is informed of those changes.
3. To the extent possible, Legacy Preparatory Academy must encourage the consolidation of reevaluation meetings and other IEP Team meetings for the student (34 CFR § 300.324(a)(5)).
4. Review and revision of the IEP.
 - a. Legacy Preparatory Academy must ensure that the IEP Team:
 - (1) Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and
 - (2) Revises the IEP, as appropriate, to address:
 - (a) Any lack of expected progress toward the annual goals in the IEP and in the general education curriculum, if appropriate;
 - (b) The results of any reevaluation;
 - (c) Information about the student provided to, or by, the parent(s) or adult student;
 - (d) The student's anticipated needs; or
 - (e) Other matters.
 - (3) In conducting a review of the student's IEP, the IEP Team must consider the special factors in the Rules III.I.1.b.
 - (4) A regular education teacher of the student, as a member of the IEP Team, must participate in the review and revision of the IEP of the student, if the student is or may be participating in the general education classroom.
 - (5) If a participating agency, other than Legacy Preparatory Academy, fails to provide the postsecondary transition services described in the IEP, Legacy Preparatory Academy must reconvene the IEP Team to identify alternative strategies to meet the postsecondary transition objectives for the student set out in the IEP.

- (6) Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any postsecondary transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

III.J. DEFINITION OF THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) (34 CFR § 300.320; RULES III.J.)

1. The term *individualized education program* (IEP) means a written statement for each student with a disability that is developed, reviewed, and revised in a meeting. The IEP is designed to meet the student's unique needs based on their disability, and prepare them for further education, employment, and independent living.
2. The IEP must include:
 - a. A statement of the student's present levels of academic achievement and functional performance (PLAAFP), including:
 - (1) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same grade-level curriculum as for students who are non-disabled); or
 - (2) For students in preschool, as appropriate, how the disability affects the student's participation in appropriate activities; and
 - (3) For students who are blind, the results obtained from a braille-related or braille skills assessment;
 - b. A statement of measurable annual goals, that describes what the student is reasonably expected to accomplish in a year and the conditions in which the goals will be performed, including academic and functional goals designed to:
 - (1) Meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the grade-level general education curriculum; and
 - (2) Meet each of the student's other educational needs that result from the student's disability;

- c. For a student with a disability, ages 14 and older, an annual IEP goal related to the student's postsecondary transition service needs.
- d. For eligible students with significant cognitive disabilities who will participate in grade-level alternate achievement standards (i.e., Essential Elements):
 - (1) Notification to the parent(s) or adult student that the student's academic achievement will be measured through an assessment of the grade-level Utah alternate achievement standards and how participation in such alternate achievement assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma; and
 - (2) A description of benchmarks or short-term objectives for each annual goal;
- e. A description of:
 - (1) How the student's progress toward meeting the annual IEP goals will be measured; and
 - (2) When periodic reports to the parent(s) or adult student on the progress the student is making toward meeting the annual IEP goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- f. A statement of the special education and related services and supplementary aids and services (including assistive technology), based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:
 - (1) To advance appropriately toward attaining the annual goals;
 - (2) To be involved in and make progress in the grade-level general education curriculum, and to participate in extracurricular and other nonacademic activities; and

- (3) To be educated and participate with other similar-aged students with disabilities and non-disabled students in the activities described in this section;
- g. An explanation of the extent, if any, to which the student will not participate with similar-aged non-disabled students in the regular education environment and in the activities described in this section;
- h. A statement of:
 - (1) Any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on all grade-level State- and LEA-wide assessments; and
 - (2) If the IEP Team determines that the student must take an alternate assessment instead of a particular regular State- or LEA-wide assessment of student achievement, a statement of why:
 - (a) The student cannot participate in the regular assessment; and
 - (b) The particular alternate assessment selected is appropriate for the student; and
 - (c) All students, including students with disabilities, participate in statewide assessments. Legacy Preparatory Academy reports the results of statewide assessments on the website. If more than one percent of students with significant cognitive disabilities participate in an alternate assessment, Legacy Preparatory Academy will submit justification to the USBE on the need to exceed the cap.
- i. The projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications.
- j. A statement of school to post-school transition services.
 - (1) For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:

- (2) Appropriate measurable postsecondary goals based upon age-appropriate postsecondary transition assessments related to training or education, employment, and, where appropriate, independent living skills; and
 - (3) The postsecondary transition services (including courses of study) needed to assist the student in reaching those goals.
- k. Transfer of rights at age of majority.
- (1) Beginning not later than one year before the student reaches the age of majority (age 18 in Utah), the IEP must include a statement that the student has been informed of the student's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority. The transfer of rights also occurs upon notification to the LEA that a student has married or become emancipated before age 18.
- l. Nothing in this section shall be construed to require that additional information be included in a student's IEP beyond what is explicitly required in Section 614 of Part B of the IDEA, or require the IEP Team to include information under one component of a student's IEP that is already contained under another component of the student's IEP.
- m. IEP Teams should discuss and address, if appropriate, student participation in not only the grade-level Utah Core Standards, but other general education activities and courses (e.g., health and maturation, suicide prevention), as well as the Statewide Online Education Program (SOEP) or other online, distance, blended, or competency-based courses, as well as courses taken through Career and Technical Education (CTE) programs and concurrent enrollment. Students with disabilities may require special education and related services and accommodations for equitable participation, in conjunction with Part B of the IDEA, the Rules, R277-418, R277-713, and R277-726.

III.K. PHYSICAL EDUCATION 34 CFR § 300.108 (RULES III.L.)

1. Physical education services, specially designed if necessary, must be made available to every student with a disability receiving a FAPE, unless Legacy Preparatory Academy enrolls students without disabilities and does not provide physical education to students without disabilities in the same grades.

2. Each student with a disability must be afforded the opportunity to participate in the regular physical education program available to students who are nondisabled unless:
 - a. The student is enrolled full time in a separate facility; or
 - b. The student needs specially designed physical education, as prescribed in the student's IEP.
3. If specially designed physical education (e.g., adapted physical education) is prescribed in a student's IEP, the LEA responsible for the education of that student must provide the services directly or make arrangements for those services to be provided through other public or private programs.
4. Legacy Preparatory Academy responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services. PE.

III.L. ASSISTIVE TECHNOLOGY (34 CFR § 300.105; R277-495; RULES III.M.)

1. Legacy Preparatory Academy must ensure that assistive technology devices or assistive technology services, or both, are made available to a student with a disability if required as a part of the student's:
 - a. Special education,
 - b. Related services, or
 - c. Supplementary aids and services.
2. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's IEP Team determines that the student needs access to those devices in order to receive a FAPE.es.

III.M. EXTENDED SCHOOL YEAR (ESY) SERVICES (34 CFR § 300.106; R277-751; RULES III.N.)

1. Extended school year services mean special education and related services that:
 - a. Are provided to an eligible student with a disability:
 - (1) Beyond the normal school year of Legacy Preparatory Academy;

- (2) In accordance with the student's IEP; and
 - (3) At no cost to the parent(s) of the student or student who is an adult; and
 - b. Meet the standards of the USBE in R277-751.
2. Legacy Preparatory Academy shall ensure that:
- a. Extended school year services are available as necessary to provide FAPE, consistent with the Rules and considered for each individual student with a disability during an IEP, based upon a review of multiple data sources and factors.
 - b. ESY student programs are provided in the least restrictive environment.
 - c. ESY teachers and paraeducators meet USBE's and IDEA requirements.
3. Extended school year services must be provided only if a student's IEP Team determines, on an individual basis, that the services are necessary for the provision of a FAPE to the student. The annual IEP shall reflect the IEP Team's decision regarding the need for ESY services.
- a. Parent(s) or the student who is an adult shall be provided with prior written notice of proposal or refusal to provide ESY services.
 - b. If determined as eligible for ESY services, the IEP Team shall determine the appropriate ESY program, based on the student's individual needs.
 - c. ESY eligibility decisions and prior written notice of ESY programs shall be provided to parent(s) or student who is an adult in sufficient time to permit accessing dispute resolution options of the procedural safeguards, in the event of a dispute.
4. In implementing the requirements of this section, Legacy Preparatory Academy may not:
- a. Limit extended school year services to particular categories of disability, age, or grade level;
 - b. Unilaterally limit the type, amount, or duration of those services; or
 - c. Limit data consideration by IEP Teams to only an analysis of regression and recoument.

III.N. LEAST RESTRICTIVE ENVIRONMENT (LRE) (34 CFR § 300.114; RULES III.O.)

1. Legacy Preparatory Academy must ensure that:
 - a. To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities (e.g., nursing homes), are educated with similar-aged students who are nondisabled; and
 - b. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. In the case of a student who is deaf or hard of hearing, consideration of a special class or school may be the least restrictive environment in that it provides opportunities for direct communication and instruction in the student's language and communication mode with professional personnel and peers.
 - c. LRE provisions apply to transition programs (i.e., postsecondary) and placement.
2. A state funding mechanism must not result in placements that violate the LRE requirements of the Rules III.P.–S.

III.O. INCLUSIONARY PRACTICES TO PROVIDE A FULL EDUCATIONAL OPPORTUNITY (34 CFR § 300.109; RULES III.P.)

1. Legacy Preparatory Academy must develop inclusionary practices that include the components in the definition using evidence-based practices. LEA's may benefit from USBE Technical Assistance, and other resources.

III.P. CONTINUUM OF ALTERNATIVE PLACEMENTS (34 CFR § 300.115; RULES III.Q.)

1. Legacy Preparatory Academy must ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services.
2. The continuum required must:
 - a. Include the following alternative placements for instruction:

- (1) Regular classes,
 - (2) Special classes,
 - (3) Special schools,
 - (4) Home instruction, and
 - (5) Instruction in hospitals and institutions; and
- b. Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

III.Q. PLACEMENTS (34 CFR § 300.116; RULES III.R.)

1. In determining the educational placement of a student with a disability, including postsecondary transition-aged student with a disability, Legacy Preparatory Academy must ensure that:
 - a. The placement decision:
 - (1) Is made by a group of persons, including the parent(s) or student who is an adult and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
 - (2) Is made in conformity with the LRE provisions above.
 - b. The student's placement:
 - (1) Is determined at least annually;
 - (2) Is based on the student 's IEP; and
 - (3) Is as close as possible to the student 's home;
 - c. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that the student would attend if nondisabled;
 - d. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that the student needs; and

- e. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

III.R. PARENTAL INVOLVEMENT IN PLACEMENT DECISIONS (34 CFR §§ 300.327, 300.501; RULES III.S.)

1. Legacy Preparatory Academy shall ensure that the parent(s) of each student with a disability or adult student are members of any group that makes decisions on the educational placement of the parent's student or the student who is an adult (Rules IV.B).
2. In implementing this requirement, Legacy Preparatory Academy shall use procedures for parent or student who is an adult involvement in placement decisions consistent with those used for parent participation in IEP meetings.
3. If neither parent or the student who is an adult can participate in a meeting in which a decision is to be made relating to the educational placement of the student, Legacy Preparatory Academy shall use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.
4. A group may make a placement decision without the involvement of the parent(s) or student who is an adult if Legacy Preparatory Academy is unable to obtain either parent's or student who is an adult participation in the decision. In this case, the LEA must have a record of its attempts to ensure their involvement.

III.S. NONACADEMIC SETTINGS AND EXTRACURRICULAR ACTIVITIES (34 CFR § 300.117; UCA 53G-6-709; RULES III.T.)

1. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities in Rules III.V, Legacy Preparatory Academy must ensure that each student with a disability participates with students who are nondisabled in the extracurricular services and activities to the maximum extent appropriate to the needs of that student.
2. Legacy Preparatory Academy must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP

Team to be appropriate and necessary for the student to participate in nonacademic settings.

3. A student with a disability (under the age of 22 who has not graduated from high school with a regular high school diploma, whose IEP Team recommends participation) may not be denied the opportunity of participating in public school programs or extracurricular activities solely because of the student's age, unless the participation threatens the health or safety of the student. Legacy Preparatory Academy, in cooperation with the Utah Department of Health, shall establish criteria used to determine the health and safety factor (UCA 53G-6- 709).

III.T. NONACADEMIC SERVICES (34 CFR § 300.107; RULES III.U.)

1. Legacy Preparatory Academy must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.
2. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Legacy Preparatory Academy, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by Legacy Preparatory Academy and assistance in making outside employment available.

IV. PROCEDURAL SAFEGUARDS DUE PROCESS PROCEDURES FOR PARENT(S) AND STUDENTS (IDEA SUBPART E)

1. Consistent with the requirements of Part B of the IDEA and the Rules Legacy Preparatory Academy shall establish, maintain, and implement procedural safeguards for students with disabilities and their parent(s) or students who is an adult. (34 CFR § 300.500).

IV.A. PARENTAL OPPORTUNITY TO EXAMINE RECORDS AND PARTICIPATE IN MEETINGS (34 CFR § 300.501; RULES IV.A.)

1. Opportunity to examine records.
 - a. The parent(s) of a student with a disability or student who is an adult must be afforded, in accordance with the Rules, an opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of the student and the provision of a FAPE to the student.
2. Parent participation in meetings.
 - a. The parent(s) of a student with a disability or student who is an adult must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the student and the provision of a FAPE to the student.
 - b. Legacy Preparatory Academy must provide notice, consistent with the Rules, to ensure that parents of students with disabilities or adult students have the opportunity to participate in meetings.
 - c. A meeting does not include informal or unscheduled conversations involving Legacy Preparatory Academy personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that Legacy Preparatory Academy personnel engage in to develop a proposal or a response to a parent or student who is an adult proposal that will be discussed at a later meeting.
3. Parent involvement in placement decisions.

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- a. Legacy Preparatory Academy must ensure that a parent of each student with a disability or student who is an adult is a member of any group that makes decisions on the educational placement of the parent's student (34 CFR § 300.327), including notifying the parent(s) or student who is an adult of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed-on time and place (34 CFR § 300.322(a)).
- b. The notice of meeting must indicate the purpose(s), time, and location of the meeting, who will be in attendance, and inform the parents or student who is an adult of their right to bring other individuals who have knowledge or special expertise about the student (34 CFR § 300.322(b)).
- c. If neither parent or the student who is an adult can participate in a meeting in which a decision is to be made relating to the educational placement of the student, Legacy Preparatory Academy must use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.
- d. A placement decision may be made by a group without the involvement of a parent or student who is an adult if Legacy Preparatory Academy is unable to obtain the parents or student who is an adult participation in the decision. In this case, Legacy Preparatory Academy must have a record of its attempt to ensure their involvement.

IV.B. INDEPENDENT EDUCATIONAL EVALUATION (34 CFR § 300.502; RULES IV.B.)

1. Definitions.
 - a. *Independent educational evaluation* (IEE) means an evaluation conducted by a qualified examiner who is not employed by Legacy Preparatory Academy responsible for the education of the student in question.
 - b. *Public expense* means that Legacy Preparatory Academy either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent or student who is an adult.
2. Legacy Preparatory Academy has established and implemented policies and procedures related to independent educational evaluation that meet the requirements of Part B of the IDEA and the Rules.

3. The following requirements must be addressed:
 - a. The parents of a student with a disability or student who is an adult have the right to obtain an IEE of the student at public expense if they disagree with an evaluation obtained by Legacy Preparatory Academy.
 - b. Legacy Preparatory Academy must provide to the parents or student who is an adult, upon request for an IEE, information about where an IEE may be obtained and the Legacy Preparatory Academy criteria applicable for IEEs.
 - c. If a parent or student who is an adult requests an IEE at public expense, Legacy Preparatory Academy must, without unnecessary delay, either:
 - (1) File a request for a due process complaint and hearing to show that its evaluation is appropriate; or
 - (2) Ensure that an IEE is provided at public expense, unless Legacy Preparatory Academy demonstrates in a due process hearing that the evaluation obtained by the parent or student who is an adult did not meet Legacy Preparatory Academy criteria.
 - d. If Legacy Preparatory Academy files a due process complaint and request for hearing, and the final decision is that Legacy Preparatory Academy's evaluation is appropriate, the parent or student who is an adult still has the right to an IEE, but not at public expense.
 - e. If a parent or student who is an adult requests an IEE, Legacy Preparatory Academy may ask for the parents' or student who is an adult's reason why the student who is an adult objects to the public evaluation. However, the explanation by the parent or student who is an adult may not be required and Legacy Preparatory Academy may not unreasonably delay either providing the IEE at public expense or requesting a due process hearing to defend the public evaluation.
 - f. A parent or student who is an adult is entitled to only one IEE at public expense each time Legacy Preparatory Academy conducts an evaluation with which the parent or adult student who is an adult disagrees.

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- g. If the parent or adult student who is an adult either obtains an IEE at public expense or shares an evaluation obtained at private expense with Legacy Preparatory Academy, the results of the evaluation:
 - (1) Must be considered by Legacy Preparatory Academy, in any decision made with respect to the provision of a FAPE to the student provided that the IEE meets Legacy Preparatory Academy criteria; and
 - (2) May be presented by any party as evidence at a hearing on a due process complaint regarding that student.
 - h. If a hearing officer requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense.
 - i. If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Legacy Preparatory Academy uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's or student who is an adult right to an IEE.
 - j. Except for the criteria described above, Legacy Preparatory Academy may not impose additional conditions or timelines related to obtaining an IEE at public expense.
4. An IEE conducted at Legacy Preparatory Academy's expense becomes the property of Legacy Preparatory Academy, in its entirety.

IV.C. PRIOR WRITTEN NOTICE (34 CFR § 300.503; RULES IV.C.)

- 1. Prior written notice must be given to the parents of a student with a disability or student who is an adult a reasonable time before Legacy Preparatory Academy:
 - a. Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student; or
 - b. Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student.
- 2. The notice required must include:

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- a. A description of the action proposed or refused by Legacy Preparatory Academy;
 - b. An explanation of why Legacy Preparatory Academy proposes or refuses to take the action;
 - c. A description of each evaluation procedure, assessment, record, or report Legacy Preparatory Academy used as a basis for the proposed or refused action;
 - d. A statement that the parent(s) of a student with a disability or student who is an adult have protection under the procedural safeguards of Part B of the IDEA and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
 - e. Sources for the parent(s) or student who is an adult to contact to obtain assistance in understanding the provisions of Part B of the IDEA;
 - f. A description of other options that the IEP Team considered and the reasons why those options were rejected; and
 - g. A description of other factors that are relevant to Legacy Preparatory Academy's proposal or refusal.
3. The notice must be:
- a. Written in language understandable to the general public; and
 - b. Provided in the native language of the parent or student who is an adult or other mode of communication used by the parent or student who is an adult, unless it is clearly not feasible to do so.
 - (1) If the native language or other mode of communication of the parent or student who is an adult is not a written language, Legacy Preparatory Academy must take steps to ensure that:
 - (a) The notice is translated orally or by other means to the parent or student who is an adult in the parent's or student who is an adult native language or other mode of communication;
 - (b) The parent or student who is an adult understands the content of the notice; and

- (c) There is written evidence that the requirements above have been met.

IV.D. PROCEDURAL SAFEGUARDS NOTICE (34 CFR § 300.504; RULES IV.D.)

1. A copy of the procedural safeguards available to the parent(s) of a student with a disability or student who is an adult must be given to the parent(s) or student who is an adult only one time a year, except that a copy also must be given to the parent(s) or student who is an adult:
 - a. Upon initial referral or parent or student who is an adult request for evaluation;
 - b. Upon receipt of the first State complaint or a due process complaint in that school year;
 - c. In accordance with the discipline procedures in 34 CFR § 300.530(h) and Rules V.F.; and
 - d. Upon request by a parent or student who is an adult.
2. Legacy Preparatory Academy may place a current copy of the procedural safeguards notice on its website if a website exists.
3. The procedural safeguards notice must include a full explanation of all the procedural safeguards relating to:
 - a. Independent educational evaluations;
 - b. Prior written notice;
 - c. Parental or student who is an adult consent;
 - d. Access to educational records;
 - e. The opportunity to present and resolve complaints through the, including:
 - (1) The time period in which to file a due process complaint or State complaint;
 - (2) The opportunity for the agency to resolve the due process hearing complaint or State complaint; and
 - (3) The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure,

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what issues may be raised, filing and decisional timelines, and relevant procedures;

- f. The availability of mediation;
 - g. The student's placement during pendency of hearings on due process complaints;
 - h. Procedures for students who are subject to placement in an interim alternative educational setting (IAES);
 - i. Requirements for unilateral placement by parent(s) of students or by a student who is an adult in private schools at public expense;
 - j. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
 - k. State-level appeals;
 - l. Civil actions, including the time period in which to file those actions; and
 - m. Attorneys' fees.
- 4. The notice required must be in language understandable to the parent(s) or student who is an adult as set forth in 34 CFR § 300.503(c) and Rules IV.C.3.
 - 5. A parent of a student with a disability or student who is an adult may elect to receive prior written notice, procedural safeguards notice, and prior written notice following a due process complaint pursuant to Rules IV.H.6 by an electronic mail communication, if Legacy Preparatory Academy makes that option available (34 CFR § 300.505).

IV.E. STATE COMPLAINT PROCEDURES (34 CFR § 300.151–153; RULES IV.E.)

- 1. Legacy Preparatory Academy follows all requirements found in Rules IV.E regarding State complaint procedures.

IV.F. MEDIATION (34 CFR § 300.506; RULES IV.F.)

- 1. Legacy Preparatory Academy follows all requirements found in Rules IV.F regarding Mediation.

IV.G. FILING A DUE PROCESS COMPLAINT (34 CFR § 300.507; UCA 53E-7-208; RULES IV.G.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.G regarding filing a due process complaint.

IV.H. DUE PROCESS COMPLAINT (34 CFR § 300.508; RULES IV.H.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.H regarding due process complaints.

IV.I. RESOLUTION PROCESS (34 CFR § 300.510; RULES IV.J.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.J regarding the resolution process.

IV.J. IMPARTIAL DUE PROCESS HEARING (34 CFR § 300.511; RULES IV.K.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.K regarding impartial due process hearings.

IV.K. HEARING RIGHTS (34 CFR § 300.512; RULES IV.L.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.L regarding hearing rights.

IV.L. HEARING DECISIONS (34 CFR § 300.513; RULES IV.M.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.M regarding hearing decisions.

IV.M. FINALITY OF DECISION (34 CFR § 300.514; RULES IV.N.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.N regarding finality of decisions.

IV.N. STATE ENFORCEMENT MECHANISMS (34 CFR § 300.537; RULES IV.O.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.O regarding State enforcement mechanisms.

IV.O. TIMELINES AND CONVENIENCE OF HEARINGS (34 CFR § 300.515; RULES IV.P.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.P regarding timelines and convenience of hearings.

IV.P. CIVIL ACTION (34 CFR § 300.516; RULES IV.Q.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.Q regarding civil action.

IV.Q. ATTORNEY'S FEES (CFR §300.517; UCA 53E-7-208(4)(B); RULES IV.R.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.R regarding attorneys' fees.

IV.R. STUDENT'S STATUS DURING PROCEEDINGS (34 CFR § 300.518; RULES IV.S.)

1. Legacy Preparatory Academy follows all requirements found in Rules IV.S regarding student's status during proceedings.

IV.S. SURROGATE PARENTS (34 CFR § 300.519; RULES IV.T.)

1. Legacy Preparatory Academy must ensure that the rights of a student are protected when:
 - a. No parent (as defined under 34 CFR § 300.30 and Rules I.E.34.) can be identified for a student under the age of majority;
 - b. Legacy Preparatory Academy after reasonable efforts, cannot locate a parent for a student under the age of majority;
 - c. The student is a ward of the State under the laws of Utah; or
 - d. The student is an unaccompanied youth experiencing homelessness under the age of majority.
2. The duties of Legacy Preparatory Academy include the assignment of an individual to act as a surrogate for the parent(s) for a student under the age of majority. This must include a method for determining whether a student under the age of majority needs a surrogate parent and for assigning a surrogate parent to the student.

3. In the case of a student who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided that the surrogate meets the requirements.
4. Legacy Preparatory Academy may select a surrogate parent in any way permitted under State law.
5. Legacy Preparatory Academy must ensure that a person selected as a surrogate parent:
 - a. Is not an employee of the USBE, Legacy Preparatory Academy, or any other agency that is involved in the education or care of the student;
 - b. Has no personal or professional interest that conflicts with the interest of the student that the surrogate parent represents; and
 - c. Has knowledge and skills that ensure adequate representation of the student.
6. A person otherwise qualified to be a surrogate parent is not an employee of Legacy Preparatory Academy solely because the person is paid by Legacy Preparatory Academy to serve as a surrogate parent.
7. In the case of a student who is an unaccompanied youth experiencing homelessness, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogates until a surrogate can be appointed that meets all of the requirements.
8. The surrogate parent may represent the student in all matters relating to the identification, evaluation, and educational placement of the student, and the provision of a FAPE to the student.
9. The USBE and Legacy Preparatory Academy must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 calendar days after Legacy Preparatory Academy determines that the student needs a surrogate.

IV.T. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY (34 CFR § 300.520; RULES IV.U.)

1. When a student with a disability reaches the age of majority under State law (i.e., age 18) that applies to all students, except for a student with a disability

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who has been determined to be incompetent under State law, or the student with a disability marries or becomes emancipated:

- a. Legacy Preparatory Academy must provide any notice required by Part B of the IDEA to both the individual and the parent(s); and
 - b. All other rights accorded to parents under Part B of the IDEA transfer to the student.;
2. All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile State or local correctional institution; and
 3. Whenever a state transfers rights, Legacy Preparatory Academy must notify the individual and the parent(s) of the transfer of rights within a reasonable time frame.

IV.U. CONFIDENTIALITY OF INFORMATION (34 CFR §§ 300.610–300.626; R277-487; RULES IV.V.)

1. Legacy Preparatory Academy takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by Legacy Preparatory Academy pursuant to Part B of the IDEA and R277-487. Legacy Preparatory Academy follows all requirements found in Rules IV.V.1-19 regarding confidentiality of information including
2. Definitions as used in Rules (34 CFR § 300.611).
 - a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
 - b. *Education records* means the type of records covered under the definition of “education records” in 34 CFR § 99, implementing regulations for the Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g (FERPA).
 - c. *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

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3. Record of access (34 CFR § 300.614).
 - a. Legacy Preparatory Academy must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA and the Rules (except access by parents or student who is an adult and authorized employees of Legacy Preparatory Academy), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
4. Records on more than one student (34 CFR § 300.615).
 - a. If any education record includes information on more than one student, the parent(s) of those students or the student who is an adult have the right to inspect and review only the information relating to their student or themselves or to be informed of that specific information.
5. List of types and locations of information (34 CFR § 300.616).
 - a. On request, Legacy Preparatory Academy must provide parents or student who is an adult with a list of the types and locations of education records collected, maintained, or used by Legacy Preparatory Academy.
6. Fees (34 CFR § 300.617).
 - a. Legacy Preparatory Academy may charge a fee for copies of records that are made for parent(s) or student who is an adult under Part B of the IDEA if the fee does not effectively prevent the parent(s) or student who is an adult from exercising their right to inspect and review those records.
 - b. Legacy Preparatory Academy may not charge a fee to search for or to retrieve information under Part B of the IDEA.
7. Consent for disclosure of PII (34 CFR § 300.622).
 - a. Except as to disclosures addressed in referral to and action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR § 99, parental or adult student consent must be obtained before PII is:
 - (1) Disclosed to anyone other than officials of participating agencies collecting or using the information under Part B of the IDEA or the Rules: or

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- (2) Used for any purpose other than meeting a requirement of Part B of the IDEA or the Rules.
- b. Legacy Preparatory Academy may not release information from education records to participating agencies without parental or adult student consent unless authorized to do so by 34 CFR §§ 99.31 and 99.34 (FERPA):
 - (1) 34 CFR § 99.31 allows an LEA to disclose PII from the education records of a student without the written consent of the parent(s) of the student or student who is an adult, if the disclosure is:
 - (a) To other school officials, including teachers, within the LEA who have been determined by the LEA to have legitimate educational interests.
 - (b) To officials of another school or school site in which the student seeks or intends to enroll, subject to the requirements set forth in 34 CFR § 99.34 below.
 - (2) 34 CFR § 99.34 requires that an LEA transferring the education records of a student pursuant to 34 CFR § 99.34 above shall make a reasonable attempt to notify the parent of the student or student who is an adult of the transfer of records at the last known address of the parent or student who is an adult, except that the LEA does not have to provide any further notice of the transfer of records when:
 - (a) The transfer is initiated by the parent(s) or student who is an adult at the sending LEA.
 - (b) The LEA includes in its annual notice of procedural safeguards, that it is the policy of the LEA to forward education records on request to a school in which a student seeks or intends to enroll.
 - (c) The LEA transferring the records must keep a copy of the records for three years after the transfer.
- c. Legacy Preparatory Academy, upon receiving PII from another educational agency or institution may make further disclosure of the information on behalf of the LEA without the prior written consent of the parent(s) or student who is an adult if the conditions of 34 CFR §§ 99.31 and 99.34

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noted above are met, and if the educational agency informs the party to whom disclosure is made of these requirements.

- d. If the parent(s) or student who is an adult refuses consent for the release of PII to a third party, then that party may proceed with statutory procedures in an effort to obtain the desired information.
 - e. Note: As authorized in 34 CFR § 99.31 (FERPA), Legacy Preparatory Academy includes in the annual procedural safeguards notice that it is their policy to forward educational records of a student with disabilities without parental or student who is an adult consent or notice to officials of another school or school district in which a student seeks or intends to enroll.
8. Safeguards (34 CFR § 300.623).
- a. Legacy Preparatory Academy must protect the confidentiality of PII at collection, storage, disclosure, and destruction stages.
 - b. One official at Legacy Preparatory Academy must assume responsibility for ensuring the confidentiality of any PII.
 - c. All persons collecting or using PII must receive training or instruction regarding the State's policies and procedures in this section and 34 CFR § 99.
 - d. Legacy Preparatory Academy must maintain, for public inspection, a current listing of the names and positions of those employees within the LEA who may have access to PII on students with disabilities.
9. Destruction of information (34 CFR § 300.624).
- a. Legacy Preparatory Academy must inform parents or student who is an adult when PII collected, maintained, or used under Part B of the IDEA and the Rules is no longer needed to provide educational services to the student.
 - b. The information no longer needed must be destroyed at the request of the parent(s) or student who is an adult. However, a permanent record of a student's name, address, phone number, the student's grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

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- c. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three years after the student graduates or three years after the student turns 22 under IDEA. Medicaid requires that records be maintained for at least five years after the provision of services.

V. DISCIPLINE PROCEDURES (34 CFR § 300.530)

V.A. DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES (RULES V.A.)

1. Consistent with the requirements of Part B of the IDEA and the Rules, Legacy Preparatory Academy shall establish, maintain, and implement policies and procedures for disciplining students with disabilities.

V.B. AUTHORITY OF SCHOOL PERSONNEL (34 CFR § 300.530(A-C); RULES V.B.)

1. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student with a disability who violates a code of student conduct.
2. School personnel may remove a student with a disability who violates a code of student conduct from the student's current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than ten consecutive school days (to the same extent those alternatives are applied to students without disabilities), and for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, (as long as those removals do not constitute a change of placement because of disciplinary removal as set forth in 34 CFR § 300.536 and Rules V.D.).
3. After a student with a disability has been removed from the student's current placement for ten school days in the same school year, during any subsequent days of removal Legacy Preparatory Academy must provide services to the extent required under 34 CFR § 300.530(d) and Rules V.C.
4. For disciplinary changes in placement that would exceed ten consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities, except after the tenth day of removal that constitutes a change in placement, Legacy Preparatory Academy must provide services to the student as outlined in Rule V.C.

V.C. SERVICES (34 CFR § 300.530(D); RULES V.C.)

1. A student with a disability who is removed from the student's current placement must:
 - a. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and
 - b. Receive, as appropriate, an FBA, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.
2. The services may be provided in an IAES.
3. Legacy Preparatory Academy is only required to provide services during periods of removal to a student with a disability who has been removed from the student's current placement for ten school days or less in that school year if it also provides services to a student without disabilities who is similarly removed.
4. After a student with a disability has been removed from the student's current placement for ten school days in the same school year, if the current removal is for not more than ten consecutive school days and is not a change of placement under 34 CFR § 300.536 and Rules V.D., school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.
5. If the removal is a change of placement, the student's IEP Team determines appropriate services to be provided during the removal.

V.D. CHANGE OF PLACEMENT DUE TO DISCIPLINARY REMOVALS (34 CFR § 300.536; RULES V.D.)

1. For purposes of removals 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 consecutive school days, including shortened school days; or
 - b. The student has been subjected to a series of removals that constitute a pattern, including shortened school days:
 - (1) Because the series of removals total more than ten school days in a school year;
 - (2) Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
 - (3) Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.
2. As used in the Rules, shortened school days occur when a student's school day is reduced solely by school personnel in response to the student's behavior for disciplinary purposes, rather than the student's IEP team or placement team for that student to receive a FAPE.
- a. In general, the use of informal removals to address a student's behavior, if implemented repeatedly throughout the school year, could constitute a disciplinary removal from the current placement. Therefore, the discipline procedures in 34 C.F.R. §§ 300.530 through 300.536 and Rules V. would generally apply unless all three of the following factors are met:
 - (1) The student is afforded the opportunity to continue to appropriately participate in the general curriculum;
 - (2) The student continues to receive the services specified on the student's IEP; and
 - (3) The student continues to participate with nondisabled children to the extent they would have in their current placement. 71 Fed. Reg. 46715 (Aug. 14, 2006).
3. Legacy Preparatory Academy determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

V.E. MANIFESTATION OF DETERMINATION (34 CFR § 300.530(E-G, I); RULES V.E.)

1. Within ten school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the LEA, the parent or adult student, and relevant members of the student's IEP Team (as determined by the parent or student who is an adult and the LEA) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parent(s) or adult student to determine:
 - a. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
 - b. If the conduct in question was the direct result of Legacy Preparatory Academy's failure to implement the IEP.
2. The conduct must be determined to be a manifestation of the student's disability if the LEA, the parent or student who is an adult, and relevant members of the student's IEP Team determine that:
 - a. The misconduct was caused by or had a direct and substantial relationship to the student's disability; or
 - b. The misconduct was the direct result of Legacy Preparatory Academy's failure to implement the IEP.
3. If the LEA, the parent or student who is an adult, and relevant members of the student's IEP Team determine that the misconduct was the direct result of the Legacy Preparatory Academy's failure to implement the IEP, Legacy Preparatory Academy must take immediate steps to remedy those deficiencies.
4. If the LEA, the parent(s) or student who is an adult, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the student's disability, the IEP Team must:
 - a. Either:
 - (1) Conduct a functional behavior assessment (FBA), unless Legacy Preparatory Academy had conducted a FBA before the behavior that resulted in the change of placement occurred, and implement a BIP for the student; or

- (2) If a BIP has already been developed, review the BIP, and modify it, as necessary, to address the behavior;
 - b. And, unless the misconduct falls under the definition of special circumstances in Rules V.E.5., return the student to the placement from which the student was removed, unless the parent or adult student and the LEA agree to a change of placement as part of the modification of the BIP.
5. Special circumstances.
- a. School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:
 - (1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the Legacy Preparatory Academy;
 - (2) 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 function under the jurisdiction Legacy Preparatory Academy;
 - (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of Legacy Preparatory Academy.
 - b. Definitions.
 - (1) For purposes of this section, the following definitions apply:
 - (a) *Controlled substance* means a drug or other substance that cannot be distributed without a prescription, identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC § 812(c)).
 - (b) *Illegal drug* means a controlled substance but does not include a drug controlled, possessed, or used under the supervision of a licensed health-care professional or one legally possessed or used under the Controlled Substances Act or under any other provision of Federal law (21 USC § 812).

- (c) *Serious bodily injury* means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty (18 USC § 1365). Serious bodily injury does not include a cut, abrasion, bruise, burn, disfigurement, physical pain, illness, or impairment of the function of a bodily member, organ or mental faculty that is temporary (18 USC § 1365).
- (d) *Weapon* means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches (18 USC § 930).

V.F. PROCEDURAL SAFEGUARDS NOTICE (34 CFR § 300.530(H); RULES V.F.)

1. On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, Legacy Preparatory Academy must notify the parent(s) or student who is an adult of that decision and provide the parent(s) or student who is an adult the procedural safeguards notice.

V.G. DETERMINATION OF SETTING (34 CFR § 300.531; RULES V.G.)

1. The student's IEP Team determines the IAES for services if the behavior that gives rise to the removal is not a manifestation of the student's disability, the removal constitutes a change of placement, or the behavior falls under the special circumstances in Rules V.E.5.

V.H. APPEALS BY PARENT OR LEA (34 CFR § 300.532; RULES V.H.)

1. The parent(s) of a student with a disability or student who is an adult who disagrees with any decision regarding placement or the manifestation determination, or if Legacy Preparatory Academy believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by filing a due process hearing complaint and requesting a hearing.
2. Authority of hearing officer.

- a. A due process hearing officer hears and makes a determination regarding an appeal under Rules V.H.1.
 - b. In making the determination, the hearing officer may:
 - (1) Return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of the discipline procedures under Part B of the IDEA or the Rules or that the student's behavior was a manifestation of the student's disability; or
 - (2) Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
 - c. The appeal procedures may be repeated if Legacy Preparatory Academy believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.
3. Expedited due process hearing.
- a. Whenever a hearing is requested, the parent(s) or student who is an adult or Legacy Preparatory Academy in the dispute must have an opportunity for an impartial due process hearing.
 - b. Legacy Preparatory Academy is responsible for arranging the expedited due process hearing with the State Director of Special Education, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within ten school days after the hearing.
 - c. Unless the parent(s) or student who is an adult and Legacy Preparatory Academy agree in writing to waive the resolution meeting, or agree to use mediation:
 - (1) A resolution meeting must occur within seven calendar days of receiving notice of the due process complaint; and

- (2) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of the receipt of the due process complaint.
- d. Parties may not mutually agree to extend the resolution period to resolve an expedited due process complaint. Therefore, when the parties have participated in a resolution meeting or engaged in mediation and the dispute has not been resolved to the satisfaction of both parties within 15 days of the receipt of the due process complaint, the expedited due process hearing may proceed.
- e. A hearing officer may not extend the timeline for making a determination in an expedited due process hearing.
- f. The decisions on expedited due process hearings are final, unless meeting the requirements of 34 CFR § 300.514(b) or 34 CFR § 300.516.6.

V.I. PLACEMENT DURING APPEALS (34 CFR § 300.533; RULES V.I)

1. When an appeal through a due process complaint has been made by either the parent or student who is an adult or Legacy Preparatory Academy, the student must remain in the IAES pending the decision of the hearing officer or until the expiration of the time period specified, whichever occurs first, unless the parent(s) or adult student and Legacy Preparatory Academy (or USBE if appropriate) agree otherwise.

V.J. PROTECTIONS FOR STUDENTS NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES (34 CFR § 300.534; RULES V.J.)

1. A student who has not been determined to be eligible for special education and related services under Part B of the IDEA, and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if Legacy Preparatory Academy had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.
2. Legacy Preparatory Academy must be deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred:

- a. The parent(s) of the student or student who is an adult expressed concern in writing to supervisory or administrative personnel of Legacy Preparatory Academy, or a teacher of the student, that the student is in need of special education and related services;
 - b. The parent(s) of the student or student who is an adult requested an evaluation of the student pursuant to 34 CFR §§ 300.300 through 300.311; or
 - c. The teacher of the student, or other personnel of Legacy Preparatory Academy, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of Legacy Preparatory Academy or to other supervisory personnel of Legacy Preparatory Academy.
3. Legacy Preparatory Academy would not be deemed to have knowledge that a student is a student with a disability if:
- a. The parent(s) of the student or the student who is an adult:
 - (1) Has not allowed an evaluation of the student pursuant to 34 CFR §§ 300.300 through 300.311; or
 - (2) Has refused services under this part; or
 - b. The student has been evaluated in accordance with 34 CFR §§ 300.300 through 300.311 and determined to not be a student with a disability under Part B of the IDEA.
4. If Legacy Preparatory Academy does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the disciplinary measures applied to students without disabilities who engage in comparable behaviors.
- a. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
 - (1) Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

- (2) If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by Legacy Preparatory Academy and information provided by the parent(s) or adult student, Legacy Preparatory Academy must provide special education and related services.

V.K. REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES (34 CFR § 300.535; RULES V.K.)

1. Nothing in Part B of the IDEA prohibits Legacy Preparatory Academy from reporting a crime committed by a student with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student with a disability.
2. Transmittal of records.
 - a. If Legacy Preparatory Academy reports a crime committed by a student with a disability, it must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom Legacy Preparatory Academy reports the crime.
 - b. If Legacy Preparatory Academy reports a crime under this section, it may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by FERPA.

VI. STUDENTS WITH DISABILITIES IN OTHER SETTINGS

VI.A. PRIVATE SCHOOL PLACEMENTS BY LEAs (34 CFR § 300.325; RULES VI.A.)

1. Legacy Preparatory Academy follows all requirements found in Rules VI.A regarding private school placements.

VI.B. STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENT(S) IN PRIVATE SCHOOLS WHEN FAPE IS NOT AT ISSUE (UNILATERAL PLACEMENT) (34 CFR § 300.130; RULES VI.B.)

1. Legacy Preparatory Academy follows all requirements found in Rules VI.B regarding students with disabilities enrolled by their parent(s) in private schools when FAPE is not at issue (unilateral placement.).

VI.C. STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENT(S) IN PRIVATE SCHOOLS WHEN FAPE IS AT ISSUE (34 CFR § 300.148; RULES VI.C.)

1. Legacy Preparatory Academy follows all requirements found in Rules VI.C regarding students with disabilities enrolled by their parent(s) in private schools when FAPE is at issue.

VI.D. STUDENTS WITH DISABILITIES ENROLLED IN HOME SCHOOL (RULES IV.D.)

1. Dual enrollment (R277-438 and UCA 53G-6-702).
 - a. A student with a disability who is simultaneously enrolled in both home school or private school and a public school is considered a student in dual enrollment.
 - b. A student with a disability seeking dual enrollment is entitled to special education and related services, under an IEP, for the time, or for the number of courses, the student is enrolled in the public school, based on the decision of the student's IEP Team. The IEP Team must consider the amount of time and courses needed for the provision of FAPE.

VI.E. STUDENTS WITH DISABILITIES ENROLLED IN ADULT EDUCATION (R277-733; UCA 53E-10-205; RULES VI.E.)

1. Students with disabilities enrolled in Adult Education remain entitled to special education and related services until determined no longer meeting eligibility

criteria, graduate with a regular high school diploma, or reach maximum age (i.e., age 22).

2. The responsibility for FAPE for students with disabilities enrolled in Adult Education classes remains with the school district of residence.

VI.F. STUDENTS WITH DISABILITIES ENROLLED IN VIRTUAL SETTINGS (RULES VI.F.)

1. Students with disabilities enrolled in public education virtual settings remain entitled to special education and related services until determined no longer meeting eligibility criteria, graduate with a regular high school diploma, or reach maximum age.
2. The responsibility for FAPE for students with disabilities enrolled in public education virtual settings remains with the LEA of enrollment, unless Board Rule specifies otherwise.

VI.G. STUDENTS WITH DISABILITIES CONVICTED AS ADULTS AND INCARCERATED IN ADULT PRISONS (34 CFR § 300.324; RULES VI.J.)

1. Legacy Preparatory Academy follows all requirements found in Rules VI.J regarding students with disabilities convicted as adults and incarcerated in adult prisons.

VI.H. STUDENTS WITH DISABILITIES WHO ARE ALSO IN STATE CUSTODY/CARE (R277-709; UCA 62A-4A-701; RULES VI.K.)

1. Legacy Preparatory Academy follows all requirements found in Rules VI.K regarding students with disabilities who are also in state custody/care.

VI.I. STUDENTS WITH DISABILITIES WHO RESIDE IN NURSING HOMES (RULES VI.L.)

1. Legacy Preparatory Academy follows all requirements found in Rules VI.L regarding students with disabilities who reside in nursing homes. Students with disabilities residing in nursing homes and their parent(s) or students who is an adult have the same rights under IDEA as all other students who are IDEA-eligible students with disabilities.

VII. POSTSECONDARY TRANSITIONS

VII.A. POSTSECONDARY TRANSITION SERVICES—SCHOOL TO POST-SCHOOL (RULES VII.B.)

1. Purpose (34 CFR § 300.1; Rules VII.B.1).
 - a. To ensure that all students with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.

2. Definition (34 CFR § 300.43; Rules VII.B.2).
 - a. *Postsecondary Transition services* means a coordinated set of activities for a student with a disability that:
 - (1) Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability, to facilitate the student’s movement from school to post-school activities, including postsecondary education, vocational education, competitive integrated employment (including supported employment), continuing and adult education, adult services, independent living, or full community participation;
 - (2) Is based on the individual student’s needs, taking into account the student’s strengths, preferences, and interests, and includes:
 - (a) Instruction;
 - (b) Related services;
 - (c) Community experiences;
 - (d) The development of employment and other post-school adult living objectives; and
 - (e) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
 - b. Postsecondary Transition services for students with disabilities may be special education, if provided as specially designed instruction, or a related

service, if required to assist a student with a disability to benefit from special education.

3. Parent or student who is an adult participation (34 CFR § 300.322; Rules VII.B.3).
 - a. For a student with a disability age 14 and older, or younger if determined appropriate by the IEP Team, the notice of meeting must indicate:
 - (1) That a purpose of the meeting will be the consideration of the postsecondary goals and postsecondary transition services for the student;
 - (2) That the LEA will invite the student; and
 - (3) Identify any other agency that will be invited, with the consent of the parent(s) or student who is an adult, to send a representative.

4. IEP Team (34 CFR § 300.321; Rules VII.B.4).
 - a. For an IEP Team meeting that includes as a purpose the development of a postsecondary transition plan:
 - (1) Legacy Preparatory Academy must invite the student with a disability to attend the student's IEP meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the postsecondary transition services needed to assist the student in reaching those goals.
 - (2) If the student does not attend the IEP meeting, Legacy Preparatory Academy must take other steps to ensure that the student's preferences and interests are considered.
 - (3) To the extent appropriate, with the consent of the parent(s) or adult student, Legacy Preparatory Academy must invite a representative of any participating agency that is likely to be responsible for providing or may be paying for postsecondary transition services.

5. Definition of IEP (34 CFR § 300.320(b); Rules VII.B.5).
 - a. For a student with a disability, ages 14 and older, an annual IEP goal related to the student's postsecondary transition service needs.

- b. Postsecondary transition services. For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:
 - (1) Realistic and reasonable measurable postsecondary goals based upon annual age-appropriate postsecondary transition assessments related to training or education, employment, and, where appropriate, independent living skills;
 - (2) Postsecondary transition services (e.g., activities, experiences, specially designed instruction), that will reasonably enable the student to reach the postsecondary goals identified on the IEP;
 - (3) Multi-year courses of study that will reasonably enable the student to reach the postsecondary goals identified on the IEP;
 - (4) Evidence that the student was invited to the IEP Team meeting where transition services are to be discussed. If the student does not attend the IEP meeting, the IEP Team must take other steps to ensure the student's preferences and interests are considered;
 - (5) If appropriate, evidence that a representative of any participating agency that might be providing or paying for any postsecondary transition services was invited to the IEP Team meeting with written consent of the parent or adult student prior to the meeting; and
 - (6) Any modifications to graduation requirements, as permitted under R277-700.
 - c. Students with disabilities must have access to all school services related to college and career readiness planning and must be actively invited and included in school activities which address course planning (including online courses), graduation, and postsecondary education and employment (i.e., college week, scholarship opportunities, ACT, and concurrent enrollment) (R277-462).
6. Transfer of rights at age of majority (34 CFR §§ 300.320(c), 300.520; Rules VII.B.6).
- a. Not later than the student's 17th birthday, the IEP must include a dated statement, signed by the student, parent, and an LEA Representative, that

the student and the student's parent(s) have been informed of parent's rights under Part B of the IDEA (i.e. Procedural Safeguards) that will transfer to the student on reaching the age of majority (i.e., age 18), except for a student with a disability who has been determined to be incompetent by a court.

- b. All rights accorded to parents under Part B of the IDEA transfer to the student on the student's 18th birthday unless the IEP Team determines that:
 - (1) The parent has obtained legal guardianship, power of attorney, or conservatorship; or
 - (2) The student has married or become emancipated (in which case the rights transfer at that time).
 - c. All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile State or local correctional institution.
 - d. When a student with a disability reaches the age of majority under State law (i.e., age 18) that applies to all students, except for a student with a disability who has been determined to be incompetent under State law, or the student with a disability marries or becomes emancipated:
 - (1) Legacy Preparatory Academy must provide any notice required by Part B of the IDEA to both the individual and the parent(s); and
 - (2) All other rights accorded to parents under Part B of the IDEA transfer to the student;
 - (3) All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile State or local correctional institution; and
 - e. Whenever a state transfers rights, Legacy Preparatory Academy must notify the individual and the parent(s) of the transfer of rights within a reasonable time frame.
7. Termination of eligibility as a change of placement (34 CFR § 300.305; Rules VII.B.7).

- a. An evaluation is not required before the termination of a student's eligibility under this part due to graduation from secondary school with a regular high school diploma, or due to exceeding the age of eligibility for FAPE under Utah law.
 - b. For a student whose eligibility terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility for FAPE under Utah law, Legacy Preparatory Academy must provide the student with a summary of the student's academic achievement and functional performance which shall include a statement of the student's postsecondary goals, recommendations on how to assist the student in meeting the student's postsecondary goals, and a statement of when and how accommodations were used for instruction and assessment.
 - (1) Legacy Preparatory Academy develops the summary of student's academic achievement and functional performance with the IEP Team and additional individuals as appropriate (e.g., school counselors, CTE teachers, Pre- Employment Transition Service representatives).
 - c. Receipt of a general educational development (GED) credential does not end eligibility for FAPE.
8. Failure to meet postsecondary transition objectives (34 CFR § 300.324; Rules VII.B.8)
- a. If a participating agency, other than Legacy Preparatory Academy, fails to provide the postsecondary transition services described in the IEP, Legacy Preparatory Academy must reconvene the IEP Team to identify alternative strategies to meet the postsecondary transition objectives for the student set out in the IEP.
 - b. Nothing relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any postsecondary transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that LEA (34 CFR § 300.324).
 - c. If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under

State policy or an interagency agreement, to provide or pay for any services that are also considered special education or related services such as, but not limited to, services relating to assistive technology devices, assistive technology services, related services, supplementary aids and services, and postsecondary transition services, that are necessary for ensuring a FAPE to students with disabilities within the State, the public agency must fulfill that obligation or responsibility, either directly or through contract or other arrangement or as provided in an interagency agreement.

9. Students with disabilities in adult prisons (34 CFR § 300.324; Rules VII.B.9).
 - a. The requirements relating to postsecondary transition planning and postsecondary transition services do not apply with respect to those students whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.
 - b. The obligation to make FAPE available to all students with disabilities does not apply with respect to students ages 18 through 21 to the extent that State law does not require that special education and related services under Part B of the IDEA be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility (34 CFR § 300.102):
 - (1) Were not actually identified as being a student with a disability; and
 - (2) Did not have an IEP under Part B of the IDEA.
 - c. The exception does not apply to students with disabilities ages 18 through 21 who:
 - (1) Had been identified as a student with a disability and had received services in accordance with an IEP, but who left school prior to their incarceration; or
 - (2) Did not have an IEP in their last educational setting, but who had actually been identified as a student with a disability.

VII.B. GRADUATION (UCA 53E-7-202; R277-705; RULES VII.C.)

1. The obligation of Legacy Preparatory Academy to make FAPE available to all students with disabilities does not apply to students with disabilities who have graduated from high school with a regular high school diploma (34 CFR §300.102(a)(3)(i)).
 - a. The exception in the Rules VII.C.1 does not apply to students that have graduated from high school but have not been awarded a regular high school diploma (34 CFR § 300.102(a)(3)(ii)).
 - b. Legacy Preparatory Academy may not withhold a regular high school diploma from a student who has met State or LEA graduation requirements.
 - c. Graduation from high school with a regular high school diploma constitutes a change in placement, requiring prior written notice that must contain all the requirements in the Rules IV.D, including being given a reasonable time before the LEA proposed to terminate the student's eligibility under the IDEA by issuing the student a diploma (34 CFR § 300.503).
 - d. The term "regular high school diploma" does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a GED (34 CFR § 300.102(a)(3)(iv)).
2. A student with a disability served by a special education program shall satisfy high school completion or graduation criteria, consistent with State and federal law and the student's IEP. Legacy Preparatory Academy may modify graduation requirements consistent with the student's IEP (R277-700-6(25)). Legacy Preparatory Academy may award a student a certificate of completion consistent with state and federal law and the student's IEP.
3. The IEP Team must refer to the USBE Special Education Graduation Guidelines for additional information regarding modifying graduation requirements and IEP substitutions.

VII.C. TERMINATION OF SERVICES UPON REACHING AGE 22 (UCA 53E-7-201; R277-419-2(23)(B); RULES VII.D.)

1. If a student with a disability turns 22 any time after July 1, Legacy Preparatory Academy must continue to provide FAPE until the end of that school year.

VIII. RESPONSIBILITIES OF THE UTAH STATE BOARD OF EDUCATION

VIII.A. GENERAL SUPERVISORY AUTHORITY (RULES VIII.A.)

1. In addition to the requirements listed below, Legacy Preparatory Academy provides data as required for State and Federal reports and other State functions as listed in Rules VIII.
2. LEA special education program funding (Rules VIII.A.3)
 - a. Legacy Preparatory Academy shall provide, either singly or in cooperation with other school districts or public institutions, a FAPE for all students with disabilities who are residents of the district or enrolled in a public charter school. The program shall include necessary special facilities, instruction, and education-related services. The costs of Legacy Preparatory Academy's program, or share of a joint program, shall be paid from LEA funds.
 - b. Legacy Preparatory Academy shall receive funds under UCA 53F-2-1, State Funding--Minimum School Program (MSP), and other applicable laws to provide special education services in accordance with the Rules.
 - c. Legacy Preparatory Academy may, singly or in cooperation with other public entities, provide education and training for persons with disabilities who are younger than 3 or older than 22. The cost of such a program may be paid from fees, contributions, and other funds received by LEA for support of the program but may not be paid from public education funds.
 - d. The requirements of Part B of the IDEA and the Rules are binding on each LEA and other public agency that has direct or delegated authority to provide special education and related services in the State of Utah.

VIII.B. STATE ELIGIBILITY (RULES VIII.B.)

1. Program options (34 CFR § 300.110; Rules VIII.B.3).
 - a. Legacy Preparatory Academy takes steps to ensure that its students with disabilities have available to them the variety of educational programs and services available to students who are nondisabled in the area served by

the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

VIII.C. USBE PROGRAM MONITORING (RULES VIII.D.2-3.)

1. Legacy Preparatory Academy is involved in the UPIPS monitoring system, as required under Part B of the IDEA, R277-709, and R277-114-3.
 - a. Legacy Preparatory Academy shall complete the required activities according to the timeline provided by the USBE staff.
2. Results of the monitoring process are publicly available, upon request.t.

VIII.D. PERSONNEL QUALIFICATIONS (34 CFR § 300.156; RULES VIII.K.3-5.)

1. Qualifications for special education teachers (34 CFR § 300.156; R277-301).
 - a. The USBE and IDEA established qualifications for each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school.
 - b. The qualifications established by USBE and IDEA ensure that each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school—
 - (1) Has obtained full State certification as a special education teacher (including certification obtained through an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 CFR 200.56(a)(2)(ii)), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher;
 - (2) Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
 - (3) Holds at least a bachelor's degree.
 - c. A teacher will be considered to meet the standard of this section if that teacher is participating in an alternate route to special education certification program under which:
 - (1) The teacher:

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- (a) Receives high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching;
 - (b) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;
 - (c) Assumes functions as a teacher only for a specified period of time not to exceed three years; and
 - (d) Demonstrates satisfactory progress toward full certification as prescribed by the State; and
- (2) The State ensures, through its certification and licensure process, that the provisions of this section are met.
- d. An adapted physical education endorsement, attached to a general or special education license, is requirement for educators to teach adapted physical education.
2. Related services personnel and paraeducators (R277-301, R277-306, and R277-324).
- a. The qualifications include qualifications for related services personnel and paraeducators that:
 - (1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and
 - (2) Ensure that related services personnel who deliver services in their discipline or profession:
 - (a) Meet the requirements; and
 - (b) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
 - (3) Allow paraeducators and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written

policy, in meeting the requirements of this part, to be used to assist in the provision of special education and related services under Part B of the IDEA to students with disabilities.

- (4) Interpreters for the Deaf.
 - (a) Under UCA 35A-13-604, an individual is required to be certified as an interpreter if that individual provides interpreter services for students who are deaf and hard of hearing.
3. Notwithstanding any other individual right of action that a parent, student who is an adult, or student may maintain under this part, nothing in this part shall be construed to create a right of action on behalf of an individual student or a class of students for the failure of the USBE or Legacy Preparatory Academy, or other public agency employee to be highly qualified, or to prevent a parent or adult student from filing a State complaint or due process complaint about staff qualifications with the State Director of Special Education.

VIII.E. REPORTING ON SUSPENSION AND EXPULSION RATES (34 CFR § 300.170; RULES VIII.M.)

1. Through daily uploads, Legacy Preparatory Academy shall report to the USBE staff, through the UTREx reporting system, on the rates of long-term suspensions and expulsions of students with disabilities and students who are nondisabled, including data disaggregated by race and ethnicity. The USBE staff shall examine these data to determine if significant discrepancies are occurring:
 - a. Between students who are nondisabled and students with disabilities within Legacy Preparatory Academy.
2. If discrepancies are occurring, the USBE staff shall review and, if appropriate, require revisions in both USBE and LEA policies, procedures, and practices to ensure compliance with Part B of the IDEA.
3. Policies, procedures, and practices to be reviewed and, if appropriate, revised, include:
 - a. The development and implementation of IEPs;
 - b. The use of positive behavior interventions and supports; and

c. Procedural safeguards.

VIII.F. PROHIBITION ON MANDATORY MEDICATION (34 CFR § 300.174; RULES VIII.X.)

1. The USBE prohibits State and Legacy Preparatory Academy personnel from requiring parents or student who is an adult to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act for a student as a condition of attending school, receiving an evaluation, or receiving services under Part B of the IDEA (21 USC § 812(c)).
2. Nothing in Rules VIII.X.1. shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parent(s) or student who is an adult regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services related to child find.

IX. LEA ELIGIBILITY AND RESPONSIBILITIES

IX.A. LEA ELIGIBILITY FOR IDEA PART B FUNDS (34 CFR §§ 300.211–212, 220; RULES IX.A.)

1. Federal special education funding is made available through a grant to the state from the OSEP. These funds are restricted and may only be used to provide services and program for students who qualify under Part B of the IDEA. Funds are available for students who are 3–5 (section 619 Preschool) and for students age 3– 21 (section 611 School-Age). Some funds are retained at the state level for administration and for state level activities. The remaining funds are distributed to Utah Local Education Agencies (LEAs) by formula.
2. Annually, the USBE staff shall notify Legacy Preparatory Academy of the availability of Federal funds under Part B of the IDEA. In order to receive IDEA Part B flow-through funds, Legacy Preparatory Academy must have in effect a USBE-approved special education program (Rules X.B.2.), including policies and procedures that are consistent with the Rules.
3. Legacy Preparatory Academy must have a USBE-approved special education program (UCA 53F-2- 307). Legacy Preparatory Academy's program is approved by the state board when Legacy Preparatory Academy's special education policies and procedures are approved by the USBE special education staff and then by Legacy Preparatory Academy's local board in a public meeting. The LEA must submit documentation of the local board's approval to the USBE special education staff.
4. The USBE approval of Legacy Preparatory Academy's policies and procedures includes the approval of any supporting documentation necessary to ensure their implementation. All required minimum components of Rules IX.A.4.a-e are addressed in this policies and procedures manual.
5. As part of establishing eligibility for Part B funds, Legacy Preparatory Academy must have revised policies and procedures in alignment with the IDEA 2004 final regulations and current rules within one year of the final Board approval of the Rules.
6. Policies and procedures submitted by Legacy Preparatory Academy in accordance with this section, and approved by the USBE staff, remain in effect until any of the following occur (34 CFR § 300.220):

- a. Legacy Preparatory Academy submits modifications to the USBE staff that the USBE or LEA determines are necessary;
 - (1) The provisions of the Rules apply to any modifications in an LEA's policies and procedures in the same manner and to the same extent as the LEA's original policies and procedures.
 - b. The USBE staff gives Legacy Preparatory Academy notice of a new interpretation of the IDEA by Federal or State courts, or a change in Federal statute; or
 - c. There is an official finding of noncompliance with Federal or State law or regulations that requires a change in Legacy Preparatory Academy's policy and procedures.
7. Legacy Preparatory Academy must have on file with the USBE staff information to demonstrate that it will make available to parents of students with disabilities or student who is an adult and to the general public all documents relating to the eligibility of the LEA under Part B of the IDEA (34 CFR § 300.212).
 8. Legacy Preparatory Academy creates annual improvement goals based on the State Performance Plan (SPP) and Annual Performance Report (APR) Indicators to improve outcomes for students with disabilities (Rules IX.A.4.d(2)(s)).
 9. Legacy Preparatory Academy collects and provides additional information which the USBE may require in order to meet Federal reporting requirements, including suspension and expulsion rates, LRE environments, disproportionality data, personnel information, and others (Rules IX.A.4.e.).

IX.B. USE OF PART B FEDERAL FUNDS BY THE LEA (34 CFR §§ 300.200–206, 208; RULES IX.B.)

1. Legacy Preparatory Academy submits a plan that provides assurances to the USBE that Legacy Preparatory Academy meets each of the conditions in this section (34 CFR § 300.200).
2. Legacy Preparatory Academy, in providing for the education of students with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established in Rules (34 CFR § 300.201).

3. Use of amounts (34 CFR § 300.202).
 - a. Legacy Preparatory Academy must have on file with the USBE staff information to demonstrate that amounts provided to the LEA under Part B of the IDEA:
 - (1) Must be expended in accordance with the applicable provision of the Rules;
 - (2) Must be used only to pay the excess costs of providing special education and related services to students with disabilities consistent with the Rules; and
 - (3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.
4. The excess cost requirement prevents Legacy Preparatory Academy from using funds provided under Part B of the IDEA to pay for all the costs directly attributable to the education of a student with a disability.
5. Legacy Preparatory Academy meets the excess cost requirement if it has spent at least a minimum average amount for the education of its students with disabilities before funds under Part B of the IDEA are used.
6. Maintenance of effort (MOE) (34 CFR § 300.203).
 - a. Eligibility standard.
 - (1) For purposes of establishing Legacy Preparatory Academy's eligibility for an award for a fiscal year, the USBE must determine that Legacy Preparatory Academy budgets for the education of students with disabilities for at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:
 - (a) Local funds only;
 - (b) The combination of State and local funds;
 - (c) Local funds only on a per capita basis; or
 - (d) The combination of State and local funds on a per capita basis.

- (2) When determining the amount of funds that Legacy Preparatory Academy must budget to meet the requirement in the Rules IX.B.6.a.(1), Legacy Preparatory Academy may take into consideration, to the extent the information is available, the exceptions and adjustment provided in 34 CFR §§ 300.204 and 300.205 that Legacy Preparatory Academy:
 - (a) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which Legacy Preparatory Academy is budgeting; and
 - (b) Reasonably expects to take in the fiscal year for which Legacy Preparatory Academy is budgeting.
 - (3) Expenditures made from funds provided by the Federal government for which the USBE is required to account to the Federal government or for which Legacy Preparatory Academy is required to account to the Federal government directly or through the USBE may not be considered in determining whether Legacy Preparatory Academy meets the standard in Rules IX.B.6.a.(1).
- b. Compliance standard.
- (1) Except as provided in 34 CFR §§ 300.204 and 300.205, funds provided to Legacy Preparatory Academy under Part B of the IDEA must not be used to reduce the level of expenditures for the education of students with disabilities made by Legacy Preparatory Academy from local funds below the level of those expenditures for the preceding fiscal year.
 - (2) Legacy Preparatory Academy meets this standard if it does not reduce the level of expenditures for the education of students with disabilities made by Legacy Preparatory Academy from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in 34 CFR §§ 300.204 and 300.205:
 - (a) Local funds only;
 - (b) The combination of State and local funds;

- (c) Local funds only on a per capita basis; or
 - (d) The combination of State and local funds on a per capita basis.
- (3) Expenditures made from funds provided by the Federal government for which the USBE is required to account to the Federal government or for which Legacy Preparatory Academy is required to account to the Federal government directly or through the USBE may not be considered in determining whether an LEA meets the standard of Rules IX.B.6.b.(1) and IX.B.6.b.(2).
- c. Subsequent years.
- (1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, Legacy Preparatory Academy fails to meet the requirements of 34 CFR § 300.203 in effect at that time, the level of expenditures required of Legacy Preparatory Academy for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not Legacy Preparatory Academy's reduced level of expenditures.
 - (2) If, in any fiscal year beginning on or after July 1, 2015, Legacy Preparatory Academy fails to meet the requirement of Rules IX.B.6.b.(2)(a) or IX.B.6.b.(2)(c) and Legacy Preparatory Academy is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of Rules IX.B.6.a or IX.B.6.b, the level of expenditures required of Legacy Preparatory Academy for the fiscal year subsequent to the year of the failure is the amount that would have been required under Rules IX.B.6.b.(2)(a) or IX.B.6.b.(2)(c) in the absence of that failure, not Legacy Preparatory Academy's reduced level of expenditures.
 - (3) If, in any fiscal year beginning on or after July 1, 2015, Legacy Preparatory Academy fails to meet the requirement of Rules IX.B.6.b.(2)(b) or IX.B.6.b.(2)(d) and Legacy Preparatory Academy is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of Rules IX.B.6.a or IX.B.6.b, the level of expenditures required of Legacy Preparatory Academy for the fiscal year subsequent to the year of the failure is the amount that would

have been required under Rules IX.B.6.b.(2)(b) or IX.B.6.b.(2)(d) in the absence of that failure, not Legacy Preparatory Academy's reduced level of expenditures.

d. Consequence of failure to maintain effort.

- (1) If Legacy Preparatory Academy fails to maintain its level of expenditures for the education of students with disabilities in accordance with Rules IX.B.6.b, the USBE is liable in a recovery action under section 452 of the GEPA (20 USC § 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which Legacy Preparatory Academy failed to maintain its level of expenditures in accordance with Rules IX.B.6.b. in that fiscal year, or the amount of Legacy Preparatory Academy's Part B subgrant in that fiscal year, whichever is lower.
- (2) If the USBE is required to return funds to the Department because of Legacy Preparatory Academy's failure to meet the Maintenance of Effort requirement, the USBE shall reduce the amount provided to the Legacy Preparatory Academy's MSP Basic Program on a 1/12 basis.

7. Exception to maintenance of effort (34 CFR § 300.204).

- a. Legacy Preparatory Academy may reduce the level of expenditures by Legacy Preparatory Academy under Part B of the IDEA below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:
 - (1) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
 - (2) A decrease in the enrollment of students with disabilities.
 - (3) The termination of the obligation of Legacy Preparatory Academy, consistent with this part, to provide a program of special education to a particular student with a disability that is an exceptionally costly program, as determined by the USBE staff, because the student:
 - (a) Has left the jurisdiction of Legacy Preparatory Academy;

- (b) Has reached the age at which the obligation of Legacy Preparatory Academy to provide a FAPE to the student has terminated; or
 - (c) No longer needs the program of special education.
 - (4) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.
 - (5) The assumption of cost by the high-cost fund (i.e., Intensive Services fund) operated by the USBE staff.
- 8. Adjustment to local fiscal efforts in certain fiscal years (34 CFR § 300.205).
 - a. For any fiscal year for which the allocation received by Legacy Preparatory Academy under Part B of the IDEA exceeds the amount Legacy Preparatory Academy received for the previous fiscal year, Legacy Preparatory Academy may reduce the level of expenditures otherwise required by maintenance of efforts requirements by not more than 50 percent of the amount of that excess.
 - b. Use of amounts to carry out activities under ESEA/ESSA.
 - (1) If Legacy Preparatory Academy exercises the authority to reduce the level of expenditures due to an increase in Part B funds, Legacy Preparatory Academy must use an amount of local funds equal to the reduction in expenditures to carry out activities that could be supported with funds under the ESEA/ESSA, regardless of whether Legacy Preparatory Academy is using funds under the ESEA/ESSA for those activities.
 - c. The USBE staff must prohibit Legacy Preparatory Academy from reducing the level of expenditures for a fiscal year, if the USBE staff determines that:
 - (1) Legacy Preparatory Academy is unable to establish and maintain programs of FAPE that meet the requirements of Part B of the IDEA, or
 - (2) The USBE staff has taken action against Legacy Preparatory Academy under Section 616 of the IDEA and subpart F of the regulations (Monitoring, Technical Assistance, and Enforcement).

- d. The amount of funds expended by Legacy Preparatory Academy for mandatory or voluntary Coordinated Early Intervening Services shall count toward the maximum amount of expenditures that Legacy Preparatory Academy may reduce under the requirements of this section.
9. If the USBE staff determines that Legacy Preparatory Academy is not meeting the requirements of Rules, the USBE staff may prohibit Legacy Preparatory Academy from treating funds received under Part B of the IDEA as local funds under this section for any fiscal year, but only if it is authorized to do so by the State constitution or State statute.
 10. School-wide programs under Title I of the ESEA/ESSA (34 CFR § 300.206).
 - a. Legacy Preparatory Academy may use funds received under Part B of the IDEA for any fiscal year to carry out a school-wide program under section 1114 of the ESEA/ESSA, except that the amount used in any school-wide program may not exceed the amount received by Legacy Preparatory Academy under Part B of the IDEA for that fiscal year:
 - (1) Divided by the number of students with disabilities in the jurisdiction of the LEA; and
 - (2) Multiplied by the number of students with disabilities participating in the school-wide program.
 - b. The funds described in this section must be considered as Federal Part B funds for purposes of the calculations required for excess costs and supplanting.
 - c. The funds may be used without regard to the requirements of 34 CFR § 300.202(a)(1) of the IDEA.
 - d. All other requirements of Part B of the IDEA must be met by Legacy Preparatory Academy using Part B funds for school-wide programs under section 1114 of the ESEA/ESSA, including ensuring that students with disabilities in school-wide program schools:
 - (1) Receive services in accordance with a properly developed IEP; and
 - (2) Are afforded all of the rights and services guaranteed to students with disabilities under Part B of the IDEA.A.

IX.C. CHARTER SCHOOLS AND THEIR STUDENTS (34 CFR § 300.209; RULES IX.C.)

1. Students with disabilities ages 3 through 21 who attend public charter schools and their parent(s) or adult students retain all rights under Part B of the IDEA and the Rules.
2. If the public charter school is an LEA that receives funding under Part B or State special education funding, that charter school is responsible for ensuring that all of the requirements of Part B of the IDEA and the Rules are met. Charter schools may not refer potential or enrolled students with disabilities back to their school district of residence due to a disability, child find, or need for special education and related services, including placements.
3. If the public charter school is not an LEA receiving funding under Part B or State special education funding, or a school that is part of an LEA receiving funding under Part B or State special education funding, the USBE is responsible for ensuring that the requirements of Part B and the Rules are met.
 - a. Nothing in the Rules prohibit school districts and charter schools from developing a Memorandum of Understanding (MOU) to address student specific needs and/or placements.

IX.D. COORDINATED EARLY INTERVENING SERVICES (CEIS) (34 CFR § 300.226; RULES IX.D.)

1. Legacy Preparatory Academy may not use more than 15 percent of the amount Legacy Preparatory Academy receives under Part B of the IDEA for any fiscal year, less any amount reduced by the LEA pursuant to maintenance of effort, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated early intervening services (CEIS), which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.
2. In implementing CEIS, Legacy Preparatory Academy may carry out activities that include:

- a. Professional learning (which may be provided by entities other than LEAs) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavior interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
 - b. Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.
3. CEIS may not be used to limit or create a right to FAPE under Part B of the IDEA or to delay appropriate evaluation of a student suspected of having a disability.
4. Legacy Preparatory Academy that develops and maintains coordinated early intervening services (either mandatory or voluntarily) under this section must annually report to the USBE staff on:
 - a. The number of students served under this section who received early intervening services; and
 - b. The number of students served under this section who received early intervening services and subsequently receive special education and related services under Part B of the IDEA during the preceding two-year period.
5. Funds made available to carry out this section may be used to carry out coordinated early intervening services aligned with activities funded by, and carried out under, the ESEA/ESSA if those funds are used to supplement, and not supplant, funds made available under the ESEA/ESSA for the activities and services assisted under this section.

IX.E. PERSONNEL DEVELOPMENT (34 CFR § 300.207; RULES IX.E.)

1. Legacy Preparatory Academy must ensure that all personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, subject to the requirements related to personnel qualifications and section 2122 of the ESEA/ESSA, as well as 34 CFR § 300.156; R277-304, R277-306, R277-320, and R277-324.
2. Paraeducators, when used to carry out Part B of the IDEA, must be appropriately trained and supervised, and utilized in accordance with the USBE Paraeducator Standards.

- a. Legacy Preparatory Academy shall provide documentation of training and supervision to USBE staff upon request.

IX.F. FUNDED PREVALENCE OF DISABLING CONDITIONS (UCA 53F-2-307; RULES IX.F.)

1. When calculating and applying the growth factor, a school district's total special education average daily membership (ADM) for a given year is limited to the following percentage of the school district's total student ADM for the same year:
 - a. For a school district in a county of the first, second, or third class, 14%; and
 - b. For a school district in the county of the fourth, fifth, or sixth class, 20%..

IX.G. LEA PROVISION OF FAPE (34 CFR § 300.101; RULES IX.G.)

1. Legacy Preparatory Academy remains obligated to provide a student with a disability with a FAPE even when Legacy Preparatory Academy has not personally engaged with the student during the prior ten consecutive days and therefore may no longer count the student as an eligible student under pupil accounting (R277-419).
2. Legacy Preparatory Academy will oversee the caseload of each special educator (including psychologists, social workers, speech language pathologists, occupational therapists, physical therapists, adapted physical education specialists, and any other related servers) to ensure that a FAPE is available to all eligible students with disabilities.

IX.H. ROUTINE CHECKING OF HEARING AIDS AND EXTERNAL COMPONENTS OF SURGICALLY IMPLANTED MEDICAL DEVICES (34 CFR § 300.113; RULES IX.H.)

1. Hearing aids. Legacy Preparatory Academy must ensure that hearing aids worn in school by students with hearing loss, including deafness, are functioning properly.
2. External components of surgically implanted medical devices.
 - a. Subject to Rules IX.H.2.b, each public agency must ensure that the external components of surgically implanted medical devices are functioning properly.

- b. For a student with a surgically implanted medical device who is receiving special education and related services, Legacy Preparatory Academy is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

IX.I. EDUCATOR LICENSE REQUIREMENTS (R277-301, R277-304, R277-306, AND R277-320; RULES IX.I.)

1. Professionals providing services to students with disabilities must hold a Utah Professional Educator License or Endorsement in the area in which they provide services. This includes special education teachers, speech/language pathologists, school psychologists, school social workers, and other professionals. Physical and occupational therapists must hold appropriate Utah licensure. Legacy Preparatory Academy superintendent or charter school administration shall be responsible for the evaluation of the appropriateness of licenses and endorsements when assigning staff members. Legacy Preparatory Academy refers to the USBE Teaching, Leadership, and Paraeducator Standards.
2. "License areas of concentration" or "license area" means a designation on a license of the specific educational setting or role for which the individual is qualified, to include the following:
 - a. Early Childhood;
 - b. Elementary;
 - c. Secondary;
 - d. School Leadership
 - e. Career and Technical Education or "CTE";
 - f. School Counselor;
 - g. School Psychologist;
 - h. Special Education;
 - i. Preschool Special Education;
 - j. Deaf Education;

- k. Speech-Language Pathologist;
 - l. Speech-Language Technician;
 - m. School Social Worker; and
 - n. Audiologist. (R277-301-2.7(a)).
3. Individuals providing psychological evaluation services for students with disabilities must hold a Utah education license for school psychologists or State licensure and meet the assessment publisher's criteria for administration.
 4. An adapted physical education endorsement is required for special educators and general educators to teach adapted physical education.

IX.J. PURCHASE OF INSTRUCTIONAL MATERIAL IN ACCESSIBLE FORMATS (34 CFR § 300.210; RULES IX.J.)

1. An LEA that chooses to coordinate with the NIMAC, when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as the USBE under Rules VIII.W.
2. If Legacy Preparatory Academy chooses not to coordinate with the NIMAC, Legacy Preparatory Academy must provide an assurance to the USBE that Legacy Preparatory Academy will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.
3. Nothing in this section relieves Legacy Preparatory Academy of its responsibility to ensure that students with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.
4. For all purposes of this section, the USBE defines timely manner as follows: the USBE and LEAs must take reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

X. SPECIAL EDUCATION FUNDING

1. The USBE has a responsibility under both Federal and State law to monitor implementation of the IDEA by LEAs through a system of general supervision that improves educational results and functional outcomes and ensures that public agencies meet program requirements. The special education program that is funded both from federal and state funds and it is critical to understand the similarities and differences of these funding sources.
2. *Federal special education funds* means funds paid to the State under IDEA Part B for the purposes of special education.
3. *State special education funds* means state funds appropriated to public education for the purposes of special education.
4. Federal special education funds are calculated, allocated, and classified differently than state special education funds. The Rules outline the regulations, restrictions, and allowable costs and activities applicable to each funding source; some requirements are the same for both funding sources and some provisions apply only to one or the other.

X.A. STATE SPECIAL EDUCATION FUNDS GENERALLY (UCA 53F-2-307; RULES X.A.1-2.)

1. State special education funds may be spent only for direct costs and construction or altering existing facilities, as outlined in the Rules.
 - a. Direct costs are those elements of cost which can be easily, obviously, and conveniently identified with specific special education activities or programs, as distinguished from those costs incurred for several different activities or programs and whose elements are not readily identifiable with specific special education activities.
 - b. Constructing facilities or altering existing facilities if:
 - (1) The costs are necessary costs and reasonable costs;
 - (2) The costs are not for the general purpose of bringing facilities into compliance with:
 - (a) Section 504 of the Rehabilitation Act of 1973; or

- (b) The Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.;
- (3) The construction or alteration meets the needs of one or more students with disabilities; and
- (4) Legacy Preparatory Academy submits an application for review by the state board;
- (5) The state board approves the expenditure in accordance with rules, including requirements that:
 - (a) Legacy Preparatory Academy has not been identified with significant disproportionality;
 - (b) Legacy Preparatory Academy has no outstanding uncorrected findings of non-compliance;
 - (c) Legacy Preparatory Academy has no dispute resolution findings related to FAPE in the past year;
 - (d) Legacy Preparatory Academy has been determined to “meet requirements” based on the USBE’s programmatic Results Driven Accountability/Annual Performance Report (RDA/APR); and
 - (e) No other evidence, e.g., from school accreditation, fiscal audits, etc., indicators that Legacy Preparatory Academy is not adequately providing FAPE.
- 2. State special education funds are appropriated to the MSP and provide restricted (categorical) monies that must be spent for the education of students with disabilities.

X.B. ALLOCATION OF STATE SPECIAL EDUCATION FUNDS FOR PROGRAMS FOR STUDENTS WITH DISABILITIES (UCA 53F-2-307; R277-479; RULES X.B.3.)

- 1. Legacy Preparatory Academy must be current with the UIPS monitoring requirements, including correction of noncompliance within one year of notification, annual Corrective Action Plan (CAP) and PIP reports, and desk audit submissions to be eligible for State special education funds.

X.C. SPECIAL EDUCATION ADD-ON ALLOWABLE USE (FUND1205) (UCA 53F-2-307(1); RULES X.C.)

1. Legacy Preparatory Academy must use funds in accordance with Rules X.B. and to cover the direct costs of providing special education to students with disabilities.

X.D. SPECIAL EDUCATION SELF-CONTAINED ALLOWABLE USE (FUND 1210) (UCA 53F-2-307, -308(3); RULES X.E.)

1. *Self-contained* means a student in public-school with an IEP or a youth in custody/care (YIC) who receives 180 minutes or more of special education or YIC services during a typical school day per R277-419-2(35).
2. Legacy Preparatory Academy must use Special Education Self-Contained funds only for direct costs attributable to the cost of the special education of students with disabilities whose placement is a special class or self-contained environment.

X.E. STATE SPECIAL EDUCATION IMPACT AID ALLOWABLE USE (FUND 1225) (UCA 53F-2-307(1); RULES X.I.)

1. Must be used for direct costs attributable to the cost of administering the special education program as follows:
 - a. Costs for students in state custody (prisons, detention facilities, and the state hospital)
 - b. Additional costs attributable for services to students with low-incidence disabilities
2. Funds must be used in accordance with Rules X.B. and to cover the direct costs of providing special education to students with disabilities.

X.F. STATE SPECIAL EDUCATION EXTENDED SCHOOL YEAR (ESY) ALLOWABLE USE (FUND 1220) (UCA 53F-2-308(2); RULES X.K.)

1. Must be used for direct costs attributable to the cost of ESY provided to students with disabilities, determined by the student's IEP team to require ESY in order to receive a FAPE and in accordance with R277-751.

2. Funds must be used in accordance with Rules X.B. and to cover the direct costs of providing special education to students with disabilities in accordance with R277-751.51.

X.G. STATE EXTENDED SCHOOL YEAR STIPEND FOR SPECIAL EDUCATORS (EYSE) ALLOWABLE USE (FUND 1278) (UCA 53F-2-310; RULES X.M.)

1. Must be used for salaries and allowable benefits of Special Education Teachers, or Speech Language Pathologists who provide eligible services under R277-525- 2.
2. A special educator receiving a stipend shall: (a) work an additional day beyond the number of days contracted with the special educator's school district or school for each daily stipend; (b) schedule the additional days of work before or after the school year; and (c) use the additional days of work to perform duties related to the IEP process, including: administering student assessments, conducting IEP meetings, writing IEP's, conferring with parent(s) or student who is an adult, and preparing and maintaining records.

X.H. STATE SPECIAL EDUCATION INTENSIVE SERVICES ALLOWABLE USE (FUND1230) (UCA 53F-2-309(1); RULES X.O.)

1. Must be used for direct costs attributable to the cost of implementing IEPs for students with disabilities.
2. Cost of services to a student with a disability must be in excess of three times the annual average per pupil expenditure (APPE) as calculated by USBE Financial Operations.
3. Costs must meet the eligibility requirements outlined in R277-752.

X.I. STATE SPECIAL EDUCATION FUNDS ALLOWABLE USE (UCA 53F-2-307; RULES X.P.)

1. State special education funds may be spent only for direct costs and construction or altering existing facilities as outlined in Rules X.A. and X.B., Direct costs are those elements of cost which can be easily, obviously, and conveniently identified with specific special education activities or programs, as distinguished from those costs incurred for several different activities or programs and whose elements are not readily identifiable with specific special education activities (Rules X.A.1.).

2. The costs of providing for specially designed instruction, related services, and supplementary aids and services provided in a regular class or other education- related setting to a student with a disability in accordance with the IEP of the student are allowable.
3. The costs of providing inclusive special education preschool services are an allowable excess cost.
4. The costs of including peer models in IEP services that require a peer model are allowable.
5. The costs of providing co-teaching, in which both a licensed general educator and licensed special education teacher plan and provide specially designed instruction are allowable.
6. Legacy Preparatory Academy follows the allowable use of state special education funds as listed in Rules X.P.6.

X.J. ALLOWABLE COSTS FOR FEDERAL (IDEA) SPECIAL EDUCATION FUNDS (RULES X.R.1., 4-8.)

1. Funds paid to the State under IDEA Part B for the purposes of special education (“Federal special education funds”) are calculated, allocated, and classified according to 34 CFR §300.705.
2. Legacy Preparatory Academy will use Federal special education funds for the costs of providing for specially designed instruction, related services, and supplementary aids and services provided in a regular class or other education- related setting to a student with a disability in accordance with the IEP of the student are allowable.
3. Legacy Preparatory Academy will use Federal special education funds for the costs of including peer models in IEP services that require a peer model are allowable.
4. Legacy Preparatory Academy will use Federal special education funds for the costs of providing co-teaching, in which both a licensed general educator and licensed special education teacher plan and provide specially designed instruction are allowable.
5. Legacy Preparatory Academy follows the allowable use of Federal special education funds, as listed in Rules X.R.8.

Selection and Purchase of Instructional Materials Policy

SB 55 from the last legislative session (which is now codified in Utah Code § 53G-5-404) states that when charter school governing boards select and approve instructional materials for use in the classroom, the board has to go through the following process: (1) post the instructional material online (or, for copyrighted material, make available at the school) to allow for the public and school's educators to review; (2) hold at least two public board meetings where the public and school's educators have an opportunity to make public comment on the instructional materials; and (3) approve the instructional materials in a public board meeting no earlier than the second public board meeting at which public comment on the instructional materials was allowed.

As a result of SB 55, the recommendation is to revise the school's Selection and Purchase of Instructional Materials Policy to clarify that the school's board delegates to the principal/director the authority and responsibility to select and approve instructional materials for the school except under limited circumstances where the board is specifically required by law to approve instructional materials. The revisions provide the process the principal/director must go through to select and approve instructional materials – e.g., must select and approve instructional materials that meet the required criteria, must involve parents in the consideration of instructional materials (which is required by R277-468), etc. The revisions also provide the process the board must go through to select and approve instructional materials – i.e., the posting/two-board meeting/public comment requirement process explained above. Additional revisions to the policy have been recommended to make the policy more consistent with law and USBE rule, including the requirement to include parents in the review of complaints about the school's instructional materials (whether the complaint goes to the board or to the principal/director per the school's grievance policies).

Concussion and Head Injury Policy

SB 40 from the 2023 legislative session repealed and renumbered a variety of statutes in the Utah Code, including those dealing with school concussion and head injury policies. So, the school's Concussion and Head Injury Policy needs to be amended to include the correct code citations, which are now Utah Code § 26B-4-401 through -405. Also, the USBE amended its rule (R277-614) that addresses athletes and students with head injuries, so some of the school's procedures under its Concussion and Head Injury Policy also need to be updated, including those procedures related to training for coaches or other employees who supervise sporting events or PE classes.

Travel Policy

It is helpful for schools to have a travel policy, not only for internal purposes but for financial auditing purposes as well. This policy covers how travel by employees and board members for school business will be handled, including how such travel will be approved and/or communicated, how such travel arrangements will be made, and how such travel expenses will be paid for.

Travel Policy

Adopted:

Purpose

The purpose of this policy is to establish procedures for authorization of travel by employees or Board members of Legacy Preparatory Academy (the "School") who are required to travel to fulfill their official duties or to attend conventions, conferences, or other professional or educational activities benefiting the School.

Policy

1. This policy applies to all approved travel by employees and Board members on School-related business. Travel for School-related business includes, but is not limited to, travel requiring an overnight stay and travel for conventions or conferences that do not require an overnight stay. For purposes of this policy, School-related business does not include regular travel to and from the School for work or Board meetings.
2. Travel by campus-level employees must be approved in advance by the Director(s) in order for the School to pay for the travel expenses as set forth in this policy. Travel by the Director(s) or Board members must be communicated to the Board in advance of the travel, where possible. All travel-related purchases are subject to, and must be approved in accordance with, the School's Purchasing and Disbursement Policy.
3. Where possible, all campus-level employees must submit their travel requests to the Director(s), and the Director(s) and Board members must communicate their travel requests to the Board, at least three (3) weeks prior to departure date and prior to making any travel arrangements. Such travel requests and communications to the Board must explain the purpose of the travel and, where applicable, include the convention or conference registration materials, proposed hotel accommodations, and approximate airfare.
4. Reasonable and necessary flight reservations for approved travel events shall be made by the School.
5. Per diem expenses shall be paid for all approved travel events that are more than 100 miles from the School. Where possible, the per diem shall

be paid to the traveler by check no less than 48 hours prior to departure date. The maximum per diem rates are as follows:

- a. Out-of-State per diem of up to \$75 per day.
- b. In-State per diem of up to \$60 per day.

Per diem for a travel day may be less than the maximum rates provided above if the travel day does not cover three meals.

6. Reasonable and necessary ground transfer expenses (e.g., taxi, public transportation, ride share, etc.) for approved travel events shall be reimbursed based on receipts submitted for such expenses. The traveler must provide receipts for all expenses for which reimbursement is sought.
7. Reasonable and necessary mileage for approved travel events shall be reimbursed at the standard IRS mileage reimbursement rates in effect at the time. However, mileage for travel to and from an approved travel event shall not be reimbursed:
 - a. In an amount greater than the lowest cost airfare that could reasonably be obtained for travel to and from the approved event; or
 - b. In circumstances where the School provides travel to and from the approved event (e.g., by chartering a bus) and the School employee or Board member still chooses to drive his or her own vehicle to the approved event.
8. Reasonable and necessary hotel accommodations shall be approved for the number of days an approved convention or conference is in session, less one. However, this is subject to the following exceptions:
 - a. One additional night of hotel accommodations shall be approved when an additional travel day is required prior to an approved convention or conference;
 - b. A second additional night of hotel accommodations shall be approved when an additional travel day is required after the approved convention or conference concludes; and
 - c. Other additional nights of hotel accommodations shall be allowed only when approved in advance of the approved convention or conference by the Director(s) or the Board President.

Selection, Approval, and Purchase of Instructional Materials Policy

Adopted: April 13, 2023

Purpose

The purpose of this policy is to establish the parameters by which Legacy Preparatory Academy (the "School") will select, approve, and purchase instructional materials.

Policy

The School shall comply with the requirements of Utah law regarding the selection, approval, and purchase of instructional materials, including but not limited to Utah Administrative Code R277-468 and R277-469 and, when applicable, Utah Code § 53G-5-404.

The School's purpose in managing the selection, approval, and purchase of instructional materials is to implement, enrich, and support the School's educational program. For purposes of this policy, instructional materials are the resources used by educators to deliver or support student learning. These materials may be commercially available or School-created and include such materials as textbooks, workbooks, digital resources, online courses, and multiple forms of communication media.

Criteria for Instructional Materials

Instructional materials should contribute to the intellectual development and positive character of students. These materials should be:

- (a) in alignment with the School's educational mission and philosophy and Utah Core standards;
- (b) of high quality, research-based, and proven to be effective in supporting student learning;
- (c) consistent with the principles of individual freedom as defined in Utah Code § 53G-10-206;
- (d) appropriate to varying levels of learning;
- (e) age appropriate; and
- (f) compatible with School technology systems, of high technical quality, and easy to use.

Instructional materials should not be “sensitive materials” as that term is defined in Utah Code § 53G-10-103.

Selection and Approval of Instructional Materials by the Director(s)

The Board of Directors (the “Board”) delegates to the School Director(s) the authority and responsibility to select and approve instructional materials for the School, except under circumstances where the Board is specifically required by law to approve instructional materials. The Director(s) shall select and approve instructional materials that meet the criteria set forth in this policy. When considering instructional materials, the Director(s) shall review the Utah State Board of Education recommended instructional materials (RIMs), but the Director(s) is not required to select RIMs if there are other instructional materials available that meet the criteria set forth in this policy.

The Director(s) shall involve parents reflective of the School’s community (those who have a student who attends the School) and instructional staff in the consideration of instructional materials. The Director(s) has discretion as to how to involve such parents and instructional staff in this process.

Selection and Approval of Instructional Materials by the Board

If the Board is required by law to approve instructional materials for use in the classroom, the Board shall do the following (in order) prior to approving the instructional materials:

- (a) post the recommended instructional materials online to allow for public review or, for copyrighted material, make the instructional materials available at the School for public review; and
- (b) hold at least two Board meetings where the recommended instructional materials is on the agenda and allow an opportunity at those Board meetings for School educators and parents of students enrolled in the School to express views and opinions on the recommended instructional material.

The Board may approve the recommended instructional materials in an open and regular Board meeting after the requirements above have been satisfied. The vote to approve the recommended instructional materials may occur at the second of the two Board meetings described in subsection (b) above.

In accordance with Utah Code § 53G-5-404(14), the requirements in this section apply only if the Board is approving instructional materials. The requirements do not apply if the Director(s) is selecting and approving instructional materials (which Utah Code § 53G-5-404(14) refers to as “learning

material”), nor do the requirements apply to educators’ selection of supplemental materials or resources.

Purchase of Instructional Materials

The School shall follow its Purchasing and Disbursement Policy in connection with the purchase of any instructional materials, regardless of whether the instructional materials are selected and approved by the Director(s) or by the Board. The School shall identify all costs associated with instructional materials prior to purchasing the instructional materials, including any implementation and professional development costs.

Educator Selection of Additional Supplemental Materials or Resources

Despite the foregoing, educators at the School may select and use supplemental materials or resources in their classroom to augment instructional materials already selected and approved by the Director(s) or the Board so long as each of the following are satisfied:

- (a) the educator has reviewed the supplemental materials or resources in their entirety prior to using them in the classroom;
- (b) the supplemental materials or resources meet the criteria set forth in this policy; and
- (c) the supplemental materials or resources have not previously been prohibited by the Director(s) or the Board.

Contract Requirements

If the School contracts with a third party to provide online or digital materials, the School shall include in the contract a requirement that the provider give notice to the School any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.

Complaints About Instructional Materials

If a School employee or parent has a complaint about instructional materials, they shall follow the School’s applicable grievance policy (i.e., Staff Grievance Policy or Parent Grievance Policy). If a complaint about instructional materials rises to the level of the Director(s) or the Board, the School shall include parents reflective of the School’s community (those who have a student who attends the School) in reviewing the complaint. The Director(s) or the Board, as applicable, has discretion as to how to include such parents in this process.

Concussion and Head Injury Policy

Adopted: May 12, 2022

Amended:

Purpose

The purpose of this policy is to protect the safety and health of Legacy Preparatory Academy (the "School") students. The School recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The School acknowledges that the risk of serious injuries is significant when a concussion or head injury is not properly evaluated and managed, especially when the individual continues to participate in physical activities after the injury.

Policy

Accordingly, the School will comply with the provisions of Utah Code § 26B-4-401 through -405 and Utah Administrative Code Rule R277-614 regarding the protection of students and athletes with head injuries. In order to protect the health and safety of the School's students, the Director(s) shall establish administrative procedures that are consistent with this policy and applicable law.

Concussion and Head Injury Procedures

These procedures are established pursuant to the Concussion and Head Injury Policy established by the School's Board of Directors.

A concussion is a type of traumatic brain injury that interferes with normal function of the brain. It occurs when the brain moves within the skull as a result of a blow to the head or body. What may appear to be only a mild jolt or blow to the head or body can result in a concussion. A concussion can occur even if a player or student in an activity is not knocked out or loses consciousness.

The School will ensure that each agent of the School is familiar with, and has a copy of, the Concussion and Head Injury Policy and these Procedures. Before permitting a child to participate in a sporting event of the School, the School will, on an annual basis:

1. Provide a written copy of the Concussion and Head Injury Policy and these Procedures to a parent or legal guardian of a child; and
2. Obtain the signature of a parent or legal guardian of the child, acknowledging that the parent or legal guardian has read, understands, and agrees to abide by, the Concussion and Head Injury Policy and these Procedures.

The following definitions apply to these Procedures:

1. "Agent" means a coach, teacher, employee, representative, or volunteer.
2. "Qualified health care provider" means a health care provider who:
 - a. Is licensed under Title 58, Occupations and Professions; and
 - b. May evaluate and manage a concussion within the health care provider's scope of practice.
3. "Sporting event" means any of the following athletic activities that is organized, managed, or sponsored by the School:
 - a. A game;
 - b. A practice;
 - c. A sports camp;
 - d. A physical education class;
 - e. A competition; or
 - f. A tryout.
4. "Traumatic head injury" means an injury to the head arising from blunt trauma, an acceleration force, or a deceleration force, with one of the following observed or self-reported conditions attributable to the injury:
 - a. Transient confusion, disorientation, or impaired consciousness;
 - b. Dysfunction of memory;
 - c. Loss of consciousness; or

- d. Signs of other neurological or neuropsychological dysfunction, including:
 - i. Seizures;
 - ii. Irritability;
 - iii. Lethargy;
 - iv. Vomiting;
 - v. Headache;
 - vi. Dizziness; or
 - vii. Fatigue.

The following signs and symptoms following a witnessed or suspected blow to the head or body are indicative of probable concussion:

Signs (observed by others):

- Student appears dazed or stunned
- Confusion
- Forgets plays
- Unsure about game, score, opponent
- Moves clumsily (altered coordination)
- Balance problems
- Personality change
- Responds slowly to questions
- Forgets events prior to hit
- Forgets events after the hit
- Loss of consciousness (any duration)

Symptoms (reported by student):

- Headache
- Fatigue
- Nausea or vomiting
- Double vision, blurry vision
- Sensitive to light or noise
- Feels sluggish
- Feels “foggy”
- Problems concentrating
- Problems remembering

General Guidelines and Procedures

The School will immediately remove a child from participating in a sporting event of the School if the child exhibits signs, symptoms, or behaviors consistent with a concussion or is otherwise suspected of sustaining a

concussion or a traumatic head injury. Under such circumstances the School will also:

1. Notify the child's parents of the child's concussion or traumatic head injury (or suspected concussion or traumatic head injury); and
2. Prohibit the child from participating in a sporting event of the School until the child:
 - a. Is evaluated by a qualified health care provider who is trained in the evaluation and management of a concussion; and
 - b. Provides the School with a written statement from the qualified health care provider stating that:
 - i. The qualified health care provider has, within three years before the day on which the written statement is made, successfully completed a continuing education course in the evaluation and management of a concussion; and
 - ii. The child is cleared to resume participation in the sporting event of the School.

The School will follow any return-to-play guidelines established by the student's qualified health care provider.

Emergency Procedures

The following situations constitute a medical emergency and require notification of emergency medical personnel:

1. Any student with a witnessed loss of consciousness (LOC) of any duration should be spine boarded and transported immediately to nearest emergency department via emergency vehicle.
2. Any student who has symptoms of a concussion, and who is not stable (i.e., condition is worsening), should be transported immediately to the nearest emergency department via emergency vehicle.
3. A student who exhibits any of the following symptoms should be transported immediately to the nearest emergency department, via emergency vehicle:
 - a. Deterioration of neurological function;
 - b. Decreasing level of consciousness;
 - c. Decrease or irregularity in respirations;
 - d. Any signs or symptoms of associated injuries, spine or skull fracture, or bleeding;
 - e. Mental status changes: lethargy, difficulty maintaining arousal, confusion or agitation; or
 - f. Seizure activity.

A student who is symptomatic but stable may be transported by his or her parents. The parents should be advised to contact the student's primary care

provider or seek care at the nearest emergency department on the day of the injury.

Guidelines and Procedures for Coaches and Teachers Supervising Contests and Games

Recognize concussion

1. All agents of the School should become familiar with the signs and symptoms of concussion that are described above.
2. Agents of the School shall have appropriate training about recognizing and responding to traumatic head injuries and suspected student injuries, consistent with the employees' involvement in and responsibilities for supervising students in sporting events and physical education classes.

Remove from activity

Any student who exhibits signs, symptoms, or behaviors consistent with a concussion (such as loss of consciousness, headache, dizziness, confusion, or balance problems) shall be immediately removed from the sporting event and shall not return to play until cleared by an appropriate health care professional.

Refer the athlete/student for medical evaluation

1. The School's agent is responsible for notifying the student's parent(s) of the injury.
 - a. Contact the parent(s) to inform a parent of the injury. Depending on the injury, either an emergency vehicle will transport or parent(s) will pick the student up at the event for transport.
 - b. A medical evaluation is required before returning to play.
2. In the event that a student's parent(s) cannot be reached, and the student is able to be sent home (rather than directly to a doctor):
 - a. The School's agent should ensure that the student will be with a responsible individual who is capable of monitoring the student and understanding the home care instructions before allowing the student to go home.
 - b. The School's agent should continue efforts to reach a parent.
 - c. If there is any question about the status of the student, or if the student cannot be monitored appropriately, the student should be referred to an Emergency Department for evaluation. The School's agent should accompany the student and remain with the student until a parent arrives.
 - d. The School's agent shall provide for supervision of other students for whom he or she is responsible when accompanying the injured student.

School Nurse

1. The School's nurse, if any, may assess a child who is suspected of sustaining a concussion or a traumatic head injury during School hours on School property regardless of whether the nurse has received specialized training in the evaluation and management of a concussion.
2. A School nurse who does not meet the requirements of Subsections 26B-4-404(1)(b)(i) and (1)(b)(ii)(A), but who assesses a child who is suspected of sustaining a concussion or traumatic head injury under Subsection (1):
 - a. Shall refer the child to a qualified health care provider who is trained in the evaluation and management of a concussion; and
 - b. May not provide a written statement permitting the child to resume participation in free play or physical education class under Subsection 26B-4-404(1)(b)(ii).
3. A School nurse shall undergo training in the evaluation and management of a concussion, as funding allows.



LEGACY | Preparatory Academy

Classical Education and Fine Arts

Directors Report | November 2023

Building 2 - Board Room | Thursday, November 16, 2023 | 7:00 pm

MISSION

Legacy Preparatory Academy will cultivate intellectual and moral virtue according to the classically based pillars of truth, goodness, and beauty.

VISION

Legacy Preparatory Academy is committed to providing a culture where students become productive and valuable members of their communities and world. We believe high expectations, hard work, and enthusiasm are essential to achieving academic excellence and good character. These values instilled at Legacy Prep and research-proven curricula give our students the confidence to achieve anything!

MOTTO

Learning the Past. Creating the Future.

LEGACY PAIDEIA

- I am a Classical Student.
- I am Curious to Learn.
- I pursue Intellectual and Moral Virtue.
- I am a citizen of my Community.
- I Build the Foundation for an Abundant Life by Lifting Others.
- I am Governed by Nobility.
- I act with Honor and Integrity.
- I am an individual with Great Fortitude.
- I am Resilient and Courageous.
- I am Temperate.
- I exhibit Discipline and Self-Control.
- I am developing Practical Wisdom.
- I make Good Judgments.
- I am Selfless in my Fight for Justice.
- I demand Equity and promote Civility.

I AM A LEGACY LEADER

LEGACY PREPARATORY ACADEMY

Building 1 – Elementary (K-6)

2214 South 1250 West
Woods Cross, Utah 84087
E: elementary@legacyprep.org

Building 2- Junior High (7-9)

1228 West 2185 South
Woods Cross, Utah 84087
E: juniorhigh@legacyprep.org

Phone: 801-294-2801
Fax: 385-290-1470

www.legacyprep.org

LEGACY PREPARATORY ACADEMY

Board Meeting Schedule:

12-14-23	December Board Meeting
01-18-24	January Board Meeting
02-15-24	February Board Meeting
03-21-24	March Board Meeting
04-18-24	April Board Meeting
05-16-24	May Board Meeting
06-20-24	June Board Meeting

2023-2024 AREAS OF FOCUS

The 2023-2024 areas of focus for Legacy Preparatory Academy are:

ACADEMIC GOAL

Legacy Prep will continue to focus on literacy K-9 with specific emphasis on First Grade with the following literacy goal. By June 1, 2024, Legacy Prep will increase the percentage of first-grade students at or above the benchmark on the Acadience Oral Reading Fluency benchmark by 5% by providing training and support opportunities for faculty.

BEHAVIORAL GOAL

Legacy Prep will increase the emotional resilience of students in grade 3 by 10% by the end of the 2023-2024 school year, with an overarching goal of 30% by the end of the 2026 school year.

RECRUIT AND RETENTION GOAL

Legacy Prep will maintain or exceed enrollment of 1000 students per school year by developing consistent and evidence-based retention and recruitment techniques.

OPERATIONS REPORT

HEALTH & SAFETY

- Health & Wellness
 - The Wellness Committee met on October 26th. The Wellness Committee will be reviewing and promoting wellness and resiliency opportunities for the staff to help promote a healthy and productive work environment. Focuses for the remainder of 2023 include resiliency check-ins, SEL check-in before meetings, opportunities for team time, and FUN!
- School Safety
 - School Safety Week was held October 16-20th. Staff and students reviewed several school safety procedures including lockdowns, evacuations, fire drills, and digital citizenship.
 - On November 9th Legacy Prep co-hosted the I Love You Guys Foundation and took part in their “train the trainer” series for the Standard Response Protocol (SRP) and the Standard Reunification Method (SRM). The “I Love U Guys” Foundation’s programs for crisis response and post-crisis reunification are used in more than 45,000 schools, districts, departments, agencies, organizations and communities around the world. They are created through the research-based best practices of school administrators, psychologists, public space safety experts, families, and first responders. The SRP and the SRM are both being adopted by the State of Utah and promoted with H.B. 61.
 - **The Standard Response Protocol (SRP)** is a uniform, planned, and practiced response to any incident. The SRP is action-based, flexible, and easy to learn. It rationally organizes tactics for response to weather events, fires, accidents, intruders and other threats to personal safety. The benefits of SRP standardize the vocabulary so all stakeholders can understand the response and status of the event.
 - **Standard Reunification Method (SRM)** addresses the critical aspect of crisis response and accountable reunification of students with their parents or guardians in the event of a school crisis or emergency. The SRM provides school and district safety teams with proven methods for planning, practicing and achieving a successful reunification.

LEGAL AND ETHICAL COMPLIANCE

○ Policies & Procedures

● Rescinding Reuse and Disposal of Textbooks Policy

HB 494 from the past legislative session repealed the law (Utah Code § 53G-7-606) that required LEAs to notify all other LEAs before disposing of undamaged textbooks. In light of HB 494, the USBE also recently repealed its rule (R277-433) that required LEAs to follow Utah Code § 53G-7-606 and to have a policy addressing the reuse and disposal of textbooks. As a result, the school no longer needs to follow those requirements and doesn't need to have a policy. So, the recommendation is for the school to rescind its Reuse and Disposal of Textbooks Policy.

● Selection and Purchase of Instructional Materials Policy

SB 55 from the last legislative session (which is now codified in Utah Code § 53G-5-404) states that when charter school governing boards select and approve instructional materials for use in the classroom, the board has to go through the following process: (1) post the instructional material online (or, for copyrighted material, make available at the school) to allow for the public and school's educators to review; (2) hold at least two public board meetings where the public and school's educators have an opportunity to make public comment on the instructional materials; and (3) approve the instructional materials in a public board meeting no earlier than the second public board meeting at which public comment on the instructional materials was allowed.

As a result of SB 55, the recommendation is to revise the school's Selection and Purchase of Instructional Materials Policy to clarify that the school's board delegates to the principal/director the authority and responsibility to select and approve instructional materials for the school except under limited circumstances where the board is specifically required by law to approve instructional materials. The revisions provide the process the principal/director must go through to select and approve instructional materials – e.g., must select and approve instructional materials that meet the required criteria, must involve parents in the consideration of instructional materials (which is required by R277-468), etc. The revisions also provide the process the board must go through to select and approve instructional materials – i.e., the posting/two-board meeting/public comment requirement process explained above. Additional revisions to the policy have been recommended to make the policy more consistent with law and USBE rule, including the requirement to include parents in the review of complaints about the school's instructional materials (whether the complaint goes to the board or to the principal/director per the school's grievance policies).

:

PROJECT MANAGEMENT

○ School Breakfast and National School Lunch Program

- This year we partnered with LunchPro for the Fall Festival and had an amazing turnout! We served just over 400 meals that night! In addition, an extra special thanks you to LunchPro who donated a portion of the proceeds to our school "Happy Go Lucky" account.
- LunchPro helped us host a wonderful Hero's Day Luncheon on November 10th for our students and their hero's serving everyone's favorite, Orange Chicken serving close to 800 meals that day!

- Facilities
 - Bond Funds Improvement
 - New playground has been installed!!! Our students are so excited to have another playground to explore.

- Recruitment and Retention
 - Recruitment
 - We will continue to enroll students on an as needed basis as spots become available in all grades K-9 through the 2023-2024 school year.
 - 2023-2024 Enrollment information & trends
 - We currently have 984 students registered for the 2023-2024 school year
 - REGISTERED: spot selected in Lotterease, accounted created in Aspire, missing required documents. **NOT INCLUDED IN THE ENROLLMENT TOTALS**
 - NOT REGISTERED: previously registered students who have not completed re-enrollment within Aspire. **INCLUDED IN THE ENROLLMENT TOTALS**



2023-2024 Student Retention

Data pulled directly from Aspire

Grade	K	1	2	3	4	5	6	7	8	9	TOTAL
Class Capacity	28	28	28	28	30	30	30				
Grade Level Capacity	112	112	112	112	120	120	120	131	131	130	1200
Grade	K	1	2	3	4	5	6	7	8	9	TOTAL
Active	116	115	90	101	104	101	96	103	88	69	983
Withdrawn	4	1	5	6	2	1	6	7	15	11	58
Registered	1	1	0	0	1	1	0	0	0	0	4
Students Not Yet Registered	0	0	0	0	0	0	0	0	0	0	0
Effective 11/01/23											-7
Grade	K	1	2	3	4	5	6	7	8	9	TOTAL
Active	116	115	91	101	105	102	96	102	87	69	984
Withdrawn	4	2	5	6	2	1	6	8	16	11	61
Registered	1	0	0	0	0	0	0	0	0	0	1
Students Not Yet Registered	0	0	0	0	0	0	0	0	0	0	0
Effective 11/15/23											1

- 2024-2025 Open Enrollment
 - Important lottery dates for the 2024-2025 school year
 - November 1, 2023 Lottery opens for new students, including kindergarten
 - January 4-19, 2024 Current/Returning student Aspire online registration
 - January 19, 2024 New student open enrollment period ends
 - January 22, 2024 First lottery is held for the general public, siblings, and kindergarten
 - New student enrollment for the 2024-2025 school year opened on November 1st. For the 2024-2025 school year, we are able to accept a maximum of 217 additional students. We currently have 984 students entered in the lottery.



Lotterease Applications for the 2024-2025 school year

Data pulled directly from Lotterease on the 1st and the 15th of each month

Grade	K	1	2	3	4	5	6	7	8	9	TOTAL
11/15/23 Applications	7	0	0	0	0	0	0	1	0	0	8
Grade	K	1	2	3	4	5	6	7	8	9	TOTAL
12/01/23 Applications	22	1	0	1	0	1	0	1	0	0	26

EDUCATION REPORT

PROFESSIONAL DEVELOPMENT

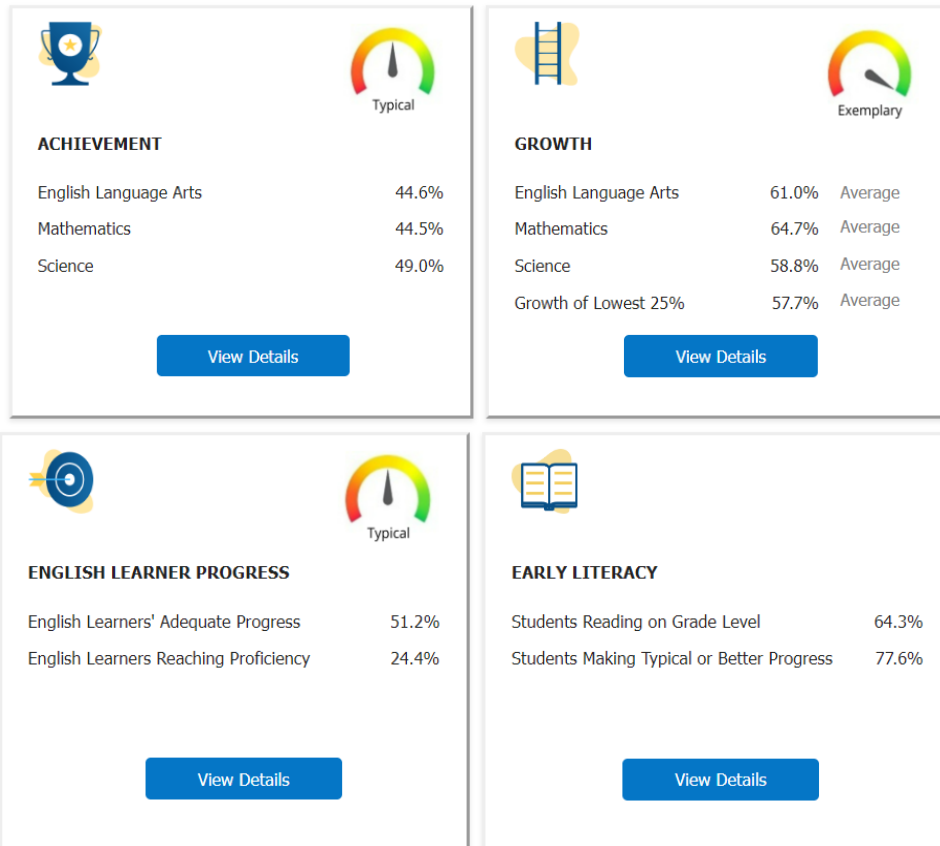
- **Teacher Training** – We had another successful teacher training day on November 1st. The Jr. High Math department and 6th grade teachers benefitted from a training with CPM trainers who spent the day training teachers on the updated curriculum. Teachers were able to ask questions and learn from each other. All the other teachers and staff attended a training with Aspen Florence, updated their classroom management plans, learned more about Panorama, and discussed engagement with students through response opportunities. This is the first time the teachers have reviewed the survey results in Panorama for their individual classes, and it was a great discussion.

CHARACTER EDUCATION

- Elementary had their Paideia assembly this month, which started out with an ice cream cone eating challenge between two of teachers selected by students who won the Principal's award. Both the Jr. High and the Elementary were able to hear from a service Veteran during their assembly. We want to thank Aimie Johnson for her service and for coming and talking to the students about how service in the Military supports Nobility and acting with Honor and Integrity.
- Both the Jr. High and the Elementary students have had some fun "opportunity" rewards this year. Not only do the students get to pick things like having lunch with the Principal, they get to choose music that is played between classes, or at the end of the day. Another fun way the Principals are both engaging students and rewarding them for excellent character is by allowing the students to choose teachers to participate in a challenge. We have had ice cream cone eating contests, a joust with pool noodles, a walk-off contest, and a pig calling challenge. In each case, the students are highly engaged, and it helps the students want to be the ones who choose the teachers the next time which leads to an increase in student behavior. I applaud both Principals for working together so well and implementing these new activities to increase student engagement with character education.
- November always kicks off "No Tardy November" for the Jr. High. After the first week, 7th grade was ahead!
- Elementary has been working on "leveling up their attendance with Mario" and we'll be tracking this data over the next few months.

ACADEMIC EXCELLENCE

- School Report Card



School LAND Trust Final Report SY23

Goal:

Grades K - 6 English Language Arts: Students in all grades K - 6 will achieve a 3% increase in their reading proficiency. (This is part of a continuing, multi-year, emphasis to excel in the English Language Arts, coordinating several grants, including School LAND Trust.)

Academic Area

English Language Arts

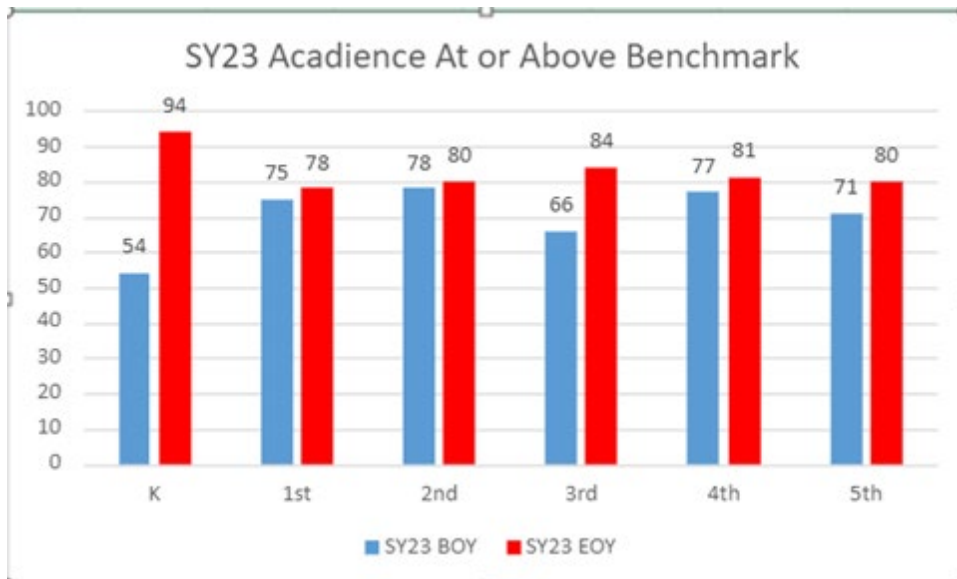
Measurements

Students' progress toward reaching this goal will be progress monitored throughout the year with Acadience testing and other valid and reliable tools, ultimate success in reaching this goal will be determined by students' overall performance on State end-of-level testing for grades 3-6 and Acadience reading for grades K-2.

Expenditures:

1. All interventions will be monitored by a designated individual and reported to the administrative team
 2. A Coach will be provided for every first year teacher to improve instructional practice.
 3. Online program software licenses will be purchased for use by students in the classroom and at home to strengthen reading and English language skills.
 4. CKLA workbooks will be purchased for student instruction in ELA
- All instructional materials have been purchased both workbooks and online software.
 - Coaches have been assigned
 - An individual has been designated to oversee student progress monitoring and report to the Administration regarding student progress at least bi-monthly.

Academic performance was improved in the following ways:



	SY23 BOY	SY23 EOY	% change
K	54	94	40%
1st	75	78	3%
2nd	78	80	2%
3rd	66	84	18%
4th	77	81	4%
5th	71	80	9%

Kindergarten, First, Third, Fourth, and Fifth grades all made at least a 3% increase from the beginning of the year to the end of the year benchmark scores in Acadience reading composite. Second grade still made a 2% increase in the number of students who were at or above benchmark.



Sixth grade made a 3% increase on their end of level testing. I don't love the comparison of the RISE testing. I don't think it's as accurate of a representation as the Acadience testing. The Acadience test is the same students from the beginning of the year to the end of the year and they are taking a similar grade level test. However, the RISE test is either looking at different students from one year to the next, or we are looking at the same students who are taking a different grade level test. The comparison doesn't feel as accurate as the Acadience test.

Action Steps

All Action steps were implemented and the associated expenditures were spent as described.

SPECIAL EDUCATION

- **Updated Policies and Procedures Manual**
The USBE creates a policy and procedures manual template for LEAs to follow. The only place we have deviated from the template is in red on page 11 with the addition of requiring annual child find training.
- The updates to the policies and procedures manual align with the most recent update of the Utah Special Education Rules. A summary of the major changes to the rules is attached.
- The biggest change for LPA to the policy and procedures manual is changing our method for determining eligibility for the category of Specific Learning Disability (SLD) from a combination model (looking at student response to intervention as well as discrepancy between cognitive and academic scores) to an alternative research-based method (pattern of strengths and weaknesses/PSW). Each LEA is required to select one of the following methods for determining eligibility for SLD: response to intervention, combination, or alternative research-based method.
- **PSW Explanation**
<https://blog.psychedservices.com/pattern-of-strengths-and-weaknesses>
- **Other changes:**
 - The template manual includes wording on when an IEP amendment can and cannot be held (page 38). This is different from the wording that was adopted in our current manual (page 45).
 - LEAs are required to develop inclusionary practices.
 - Regarding disciplinary removals, language was added to include and describe shortened school days (page 64-65).