



HOME OF THE LIONS
NORTH DAVIS PREPARATORY ACADEMY

Board Meeting Materials

VISION:

North Davis Preparatory Academy students develop a love of learning, experience high academic achievement, and enjoy high bi-literate proficiency.

BOARD CONSTITUTION:

- ★ We will Govern, not Manage. We will set the direction and goals for the school, but we will not micromanage the day to day administration of the school.
- ★ We will speak with "One Voice". We will recognize that our authority is only valid as a group and not as individuals. We will not use our position on the Board to promote our own personal agendas.
- ★ We will make the Spanish language a key element of our school.
- ★ We will make decisions that will keep NDPA financially stable.
- ★ We will review our Charter before making any dramatic changes to school policy.

August 7, 2024

North Davis Preparatory Academy

Board Meeting Agenda

Wednesday, August 7, 2024

Location: Elementary Library, 1765 W. Hill Field Rd., Layton, UT 84041



NOTE: It is possible that the NDPA Board of Directors may be utilizing an electronic meeting component with one or more of their members.

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AGENDA

6:00 PM – INTRODUCTORY ITEMS

- Welcome and Roll Call – Monte Poll (5 minutes)
 - Pledge of Allegiance
 - School Vision
 - Board Constitution

6:05 PM – PUBLIC COMMENT (Comments will be limited to 3 minutes each)

6:05 PM – REPORTS

- Administration
 - State of the School – Ryan Robinson (15 minutes)
 - ✓ [Retention of Students](#)
 - ✓ Compliance
 - ★ Sex Education/Maturation Curriculum
 - ★ [Amended Administrative Procedures](#)
 - ♣ Attendance

NOTE: Times on this agenda are estimated as a courtesy only. Actual times may vary.

In compliance with the Americans with Disabilities Act, persons needing accommodations for this meeting should call (801) 444-9378 to make appropriate arrangements.

♣ Student Conduct & Discipline

- Board of Directors
 - ✓ Review/Update Board Member Bios on Website – Monte Poll (2 minutes)
 - ✓ [Financial Update](#) – Clint Heiner (2 minutes)

6:24 PM – CONSENT ITEMS

- [June 26, 2024 Electronic Board Meeting Minutes](#)

6:25 PM – VOTING ITEMS

- [2024-2025 Early Learning Plan](#) – Ryan Robinson (2 minutes)
- [Spain Study Aboard Trip Expenses](#) – Ryan Robinson (2 minutes)
- [Amend Arrest Reporting Policy](#) (Procedures) – Ryan Robinson (2 minutes)
- [Amend Selection, Approval, and Purchase of Instructional Materials Policy](#) – Ryan Robinson (2 minutes)
- [Amend Bigfoot Grafix Purchase](#) – Ryan Robinson (2 minutes)

6:35 PM – DISCUSSION ITEMS

- Calendaring Items – ALL (5 minutes)
 - Picture Day – August 8th
 - Schedule September Electronic Meeting for LEA-Specific Educator Licenses
 - Next PreBoard Meeting – September 17th @ 1 p.m.
 - Next Board Meeting – October 2nd
 - Holiday Social – November 6th

6:40 PM – CLOSED SESSION to discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(1)(a) [IF NEEDED]

6:40 PM – ADJOURN

UPCOMING CALENDAR ITEMS

September

LEA-Specific Educator Licenses (Due Oct 1st)

October

Coldwater Creek Annual Payment (Due Nov 1st)

SLT Committee Membership (Due Oct 20)

Winter Bonus

Amended Building Rental Policy

Amended Bullying & Hazing Policy

December

Audit Review

2025-2026 School Fee Schedule (1st Public Viewing)

2025-2026 School Calendar

February

2025-2026 School Fee Schedule (2nd Public Viewing)

Annual Open Meetings Act Training

Review Board Communication Guidelines

Board Vacancies

Technology Purchase

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Curriculum Purchases (2 Public Comment Periods)

March

School LAND Trust Plan
SLT Training Assurances
Comprehensive Guidance Review
Positive Behavior Plan Review*

May

Audit Engagement Letters
2025-2026 TSSA Plan
Capital Improvements
Prepare for Principal's Evaluation
Science-In-Action Expenditures
Property & Liability Insurance Renewal
Principal Bonus/Salary

June

2024-2025 Final Amended Budget
2025-2026 Annual Budget
2025-2026 Sex Ed Instruction Committee
Mental Health Screening Determination
Annual Policies Review
Fraud Risk Assessment/Ethical Behavior
Set 2025-2026 Board Meeting Schedule
Ratify Board Members & Terms
Ratify Board Officers
Board Member Agreement
Principal/AW Evaluation

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North Davis Preparatory Academy

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2024

2025

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Enrollment	Status	Race	Sex	Advisors	+ Registered 11						+ Enroll	
Grade:		K	1	2	3	4	5	6	7	8	9	Total
Active		105	111	110	102	106	109	110	102	77	90	1022
Effective 8/13/2024												

Amended Administrative Procedures

All updates for the **Attendance** and **Student Conduct & Discipline** Administrative Procedures stem from HB 14, 362 & 418 that passed during the 2024 legislative session. HB 14 requires a student be suspended or expelled if the student makes a false emergency report targeted at a school. HB 362 modifies the requirements for referring 7th graders and above who are alleged to be habitually truant. HB 362 also modifies the requirements related to reintegration plans, including prohibiting a school from reintegrating a student who has committed a serious offense or sexual crime against a student or staff member of the school. HB 418 requires schools to add “the actual use of violence or sexual misconduct” to the list of reasons for which a student shall be suspended or expelled from school. The amendments to the school’s Student Conduct and Discipline Policy and/or Procedures incorporate all the recent changes to the law. In addition, this year’s annual assurances from the USBE requires each LEA to have a policy stating that if a student brings a firearm or weapon to school, the student shall be referred directly to the juvenile justice system. So, this requirement has also been built into the school’s Student Conduct and Discipline Procedures. HB 362 also necessitates an update to the Attendance procedures regarding habitual truancy for 7th graders and above.

As a reminder, administrative procedures do not require board approval. However, they are brought to the board as a courtesy to inform the board of changes to the procedures. These changes were required to be in place for the 2024-2025 school year.

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Attendance

Administrative Procedures

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

Definitions

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

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

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

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

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

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

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

- (1) is in grade 7 or above and at least 12 years old;
- (2) is subject to the requirements of Section 53G-6-202; and
- (3)(a) is truant at least ~~ten times~~ 20 days during one school year; or (b) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.

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

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

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

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

Excused Absences: An oral or written communication documenting a valid excuse must be received from the student's parents/guardian within one (1) business day of the absence in order for the absence to be excused. In the event of multiple consecutive absences, written communication must be received within one (1) business day of the student's return to school.

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

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

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

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

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

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

Notice of Compulsory Education Violation (For Students in Grades 1-6)

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

This notice shall:

1. Direct the parent/guardian to meet with School authorities to discuss the student's attendance problem and cooperate with the principal and Board to secure regular attendance by the student;
2. Designate the School authorities with whom the parent/guardian is required to meet;

3. State that it is a class B misdemeanor for the student's parent/guardian to intentionally or recklessly fail to meet with the designated school authorities to discuss the student's attendance problems, or fail to prevent the student from being truant an additional five (5) or more times during the remainder of the school year; and
4. Be served on the parent/guardian by personal service or certified mail.

If School personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent/ guardian has failed to make a good faith effort to ensure that the child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services the information required by Utah Code Subsection 53G-6-202(8) (also in accordance with the School's Child Abuse and Neglect Reporting Policy).

Chronic Absenteeism Prevention and Intervention Program

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

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

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

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

- When a student's attendance is negatively affecting the student's learning, the classroom teacher will notify the student and/or the student's parent/guardian of the concern. The teacher will set up a conference with the student and/or the student's parent/guardian to identify and resolve any problems that prevent the student from attending school. The student's progress will be monitored.
- If meeting with the student and parent/guardian does not adequately address the problems and the student's learning continues to suffer, then the School counselor or Principal will work with the teacher and parent/guardian in finding a solution to the problems that are

preventing the student from attending to his/her learning. Efforts to resolve the problems may include, but are not limited to, the following: making adjustments to the curriculum or the schedule; counseling of the student by School authorities; mentoring the student; providing the student with increased academic support; teaching the student executive function skills such as planning, goal setting, understanding and following multi-step directions, and self-regulation; considering alternatives proposed by the parent/guardian; or providing the parent/guardian with a list of community resources to help the family.

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

Notice of Truancy (For Students in Grade 7 or Above)

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

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

A notice of truancy will:

1. Direct the school-age child who receives the notice of truancy, and the parent/guardian of the school-age child, to meet with School authorities to discuss the student's attendance problem and cooperate with the Principal and Board to secure regular attendance by the student;
2. Designate the School authorities with whom the school -age child and parent/guardian is required to meet.

A notice of truancy will be served on the parent/guardian by personal service or regular mail. The parent/guardian will have the right to appeal a notice of truancy in writing to the Principal within ten (10) days of being issued.

Referrals for Habitual Truancy (For Students in Grade 7 or Above)

In accordance with Utah Code § 53G-8-211, the School shall refer a student who is a habitual truant to an evidence-based alternative intervention described in Utah Code § 53G-8-211(3), including:

- a mobile crisis outreach team;
- a youth services center, as defined in Section 80-6-901;
- a certified youth court, as defined in Section 80-6-901, or comparable restorative justice program;

- an evidence-based intervention created and developed by the School or other governmental entities as set forth in Section 53G-8-211(a); or
- truancy mediation.

If the student who is a habitual truant refuses to participate in an evidence-based alternative intervention described above, the School shall refer the student for prevention and early intervention youth services, as described in Section 80-5-201, by the Division of Juvenile Justice and Youth Services.

The School may only refer a student who is a habitual truant to a law enforcement officer or agency or a court if:

- The student was previously alleged of being a habitual truant at least twice during the same school year; and
- The student was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, as described above for at least two of the previous habitual trancies.

If the School refers a student who is a habitual truant to a law enforcement officer or agency or a court, the School shall appoint a School representative to continue to engage with the student and the student's family through the court process. The School shall include the following in its referral to a law enforcement officer or agency or a court:

- Attendance records for the student;
- A report of evidence-based alternative interventions used by the School before the referral, including outcomes;
- The name and contact information of the School representative assigned to actively participate in the court process with the student and the student's family;
- If the student was referred to prevention or early intervention youth services, a report from the Division of Juvenile Justice and Youth Services that demonstrates the student's failure to complete or participate in prevention and early intervention youth services; and
- Any other information that the School considers relevant.

Appeals Process

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

Students with Qualified Disabilities

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

regulations. Excused absences for known mental or behavioral health reasons do not absolve the School of FAPE responsibilities.

Annual Report

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

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



Student Conduct & Discipline

Administrative Procedures

These administrative procedures are adopted in accordance with the Student Conduct and Discipline Policy adopted by the North Davis Preparatory Academy Board of Directors.

Definitions:

“The School” means North Davis Preparatory Academy

“The Board” means North Davis Preparatory Academy Board of Directors

“CMT” means Case Management Team: The CMT shall consist of the Principal, the counselor, and a teacher selected by the Principal.

The School will foster:

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

The School will promote and require:

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

The School will comply with:

- state and federal laws requiring suspension or expulsion for certain types of student behavior.

1. BELIEFS AND PHILOSOPHY

1.1 Beliefs and Expectations

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

Beliefs:

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

Expectations:

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

1.2 Procedural Philosophy

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

Procedures:

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

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

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

- Report their feelings to their parents who will set up a conference with the student, the parent, and the adult/s involved to resolve the conflict and mend the relationship
- Report the feelings to the administrator or counselor who will set up a conference with the student, the parent, administrator/counselor, and the adult involved to resolve the conflict and mend the relationship

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

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

Due process to protect the rights of students will include:

- All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the

process. If parents feel their student has not been treated fairly, they may request a hearing with the Board of Directors. These procedures are listed in the NDPA Grievance Policy.

- Parents will be notified when students are involved in situations that are deemed to be serious including out of school suspension, expulsion, restitution, or repayment of damages.
- Parents and students will be notified of the expectations, possible consequences and the procedures involved in this policy at the beginning of each school year.

2. DEFINITIONS

2.1 Suspension

For purposes of this policy, suspension is a temporary ~~interruption of school services and activities~~ removal of a student from School and School-sponsored activities for ~~10 consecutive school days or less~~ a period of up to one (1) year. A student who is suspended may, at the Principal's discretion, have access to homework, tests, and other schoolwork through a home study program, but will not be allowed to attend classes on campus or participate in any school activities during the period of suspension.

2.2 Expulsion for Regular Education and 504 Students

For purposes of this policy, expulsion means the formal process of dismissing a student from school. In cases of expulsion from the School, the legal obligation of complying with state compulsory education laws becomes the sole responsibility of the student's parents or legal guardian.

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

For purposes of removals of a student with a disability from the student's current educational placement, a change in placement occurs if the removal is for more than ten (10) consecutive school days; or, the student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "Change of Placement" requires compliance with the procedures referenced in Section 7 of this policy.

2.4 Disruptive Student Behavior

For purposes of this policy, "disruptive student behavior" means the behavior identified as grounds for suspension or expulsion described in Section 3.1 below.

2.5 Parent

For purposes of this policy, "parent" means (i) a custodial parent of a school-age child; (ii) a legally appointed guardian of a school-age child; or (iii) any other person purporting to exercise any authority over the child which could be exercised by a person described above.

2.6 Qualifying Minor

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

2.7 School Year

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

2.8 School-age Child

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

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

3.1 Suspension

3.1.1 A student may be suspended from school for ~~any of~~ the following reasons:

- (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting, gang activity, noncompliance with school dress code, harassment, including sexual, racial, or religious harassment, the use of foul, profane, vulgar or abusive language, or other unreasonable and substantial disruption of a class, activity, or other function of the school;
- (b) willful destruction or defacing of school property;
- (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or School personnel or to the operation of the school;
- (d) possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah Code Ann. § 32B-1-102;
- (e) possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, e-cigarettes or tobacco, as defined by Utah Code Ann. § 76-10-101;
- (f) possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to real, look-alike or pretend weapons, fireworks, matches, lighters, alcohol, tobacco, mace, pepper spray, laser pointers, pornography, illegal drugs and controlled substances, drug paraphernalia, or any other material or item that has caused or will imminently cause substantial disruption to school operations;
- (g) inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;

- (h) criminal activity;
- (i) any other serious violation involving weapons, drugs, or the use of force, including those actions prohibited in Section 3.1.2 below, which threatens harm or causes harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs; or
- (j) bullying or hazing as defined in Utah Code Ann. § 53G-9-601.

3.1.2 A student **shall** be suspended or expelled from School for the following reasons:

- (a) ~~any~~ serious violation affecting another student or a staff member, or ~~any~~ serious violation occurring in a School building, in or on School property, or in conjunction with ~~any~~ School-sponsored activity, including:
 - i. the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
 - ~~ii.~~ the actual use of violence or sexual misconduct, including but not limited to such violence or sexual misconduct related to hazing;
 - ~~iii.~~ the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or
 - ~~iv.~~ the sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled substance defined in Utah Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3; ~~or~~
- (b) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor; ~~or~~
- ~~(b)~~(c) making a false report of an emergency at the School or another school under Utah Code Ann. § 76-9-202(2)(d).

3.2 Expulsion

A student may be expelled from school for any violation listed under Section 3.1 of this policy if the violation is serious or persistent.

3.3 Weapons - Mandatory Expulsion for One Year, Utah Code Ann. § 53G-8-205(2)(b); 20 U.S.C.A. § 7151

3.3.1 Any student who commits an act for which mandatory suspension or expulsion is provided under Section 3.1.2, above, ~~using~~involving a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from School and all ~~s~~School programs and activities for a

period of not less than one year, ~~pursuant to state law~~ subject to the provisions in Utah Code Ann. § 53G-8-205(2)(b).

3.3.2 Students with Disabilities under IDEA and Section 504

Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act is determined to have carried a weapon to school or a school function the procedures referenced in Section 7 of this policy must be followed.

3.5 Drugs and Controlled Substances - Mandatory Suspension or Expulsion Utah Code Ann. § 53G-8-205(2)(a)

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

- (a) use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a school building, in a school vehicle, on School property, or in conjunction with any school activity;
- (b) misuse or abuse, distribution, sale or arranging for the sale of prescription medication at school or a school function; or
- (c) misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at school only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

3.5.2 Students with Disabilities under Section 504

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

3.5.3 Drug Testing

- (a) Any student who is reasonably suspected of violating Section 3.5 may be subject to a drug test for cause, arranged and paid for by the School.
- (b) Any student who has been suspended or expelled for a violation of Section 3.5 may be required to provide a clean drug test and evidence of drug assessment and drug counseling programs as a condition of readmission to school. Testing and counseling required as a condition of readmission rather than for the purpose of providing

justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian.

- (c) Students who refuse to submit to required drug testing and counseling programs, or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School.
- (d) Any student who is suspended or expelled for violation of Section 3.5 may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

3.5.4 Students with Disabilities under IDEA

Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, the procedures referenced in Section 7 of this policy must be followed.

3.6 Gangs

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

3.6.1 Gang Activity and Apparel Prohibited

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

- (a) Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;
- (b) Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, handshakes, etc.) that demonstrates membership in or a affiliation with a gang;
- (c) Soliciting others for membership in a gang;

- (d) Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, abusing, or harassing any person;
- (e) Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;
- (f) Committing any illegal act; or
- (g) Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

3.6.2 Confiscation of Gang Items

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

3.6.3 Consultation with Law Enforcement Authorities

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

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

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

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

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

3.8 Possession or Use of Electronic Cigarette Products

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

3.8.2 The Principal or his/her designee shall request the surrender of or confiscate electronic cigarette products as provided in Section 11 of these procedures.

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

4. AUTHORITY TO SUSPEND OR EXPEL

4.1 Authority to Suspend and Duration of Suspension for Regular Education Students

The Principal has the authority to suspend a regular education student for up to ten (10) school days per incident. In considering whether to suspend a student, the Principal shall consider all relevant factors, including but not limited to, the severity of the offense, the student's age, disability, academic status and disciplinary record, parental capabilities, and community resources. The Principal, alone, is prohibited from suspending for longer than ten (10) school days, expelling, or otherwise changing student placement. Whenever such action is contemplated or desired, the Principal shall make a referral to the School's CMT.

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

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

4.3 Authority to Expel

The CMT may, by a majority vote, expel a student for violations under this policy. The CMT shall report its disciplinary actions to the Board at least once each year.

4.3.1 Parental Responsibility

If a student is expelled, the student's parent or legal guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of expulsion.

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

4.3.3 Readmission of Expelled Students

Any student who is expelled from the School will be dropped from the School's rolls in accordance with state law. A student who is expelled must follow the School's lottery procedures in order to be readmitted to the School.

Pursuant to state law, a student may be denied admission to the School if he or she was expelled from that or any other school, during the preceding 12 months.

4.4 Authority to Institute Change of Placement for Student with Disabilities

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

5. PROCEDURES FOR ADDRESSING DISRUPTIVE STUDENT BEHAVIOR - Utah Code Ann. § 53G-8-210, Utah Code Ann. § 53G-8-211, and Rule R277-609.

The School will follow procedures consistent with state law in addressing disruptive student behavior. The Principal or his/her designee is authorized to issue notices of disruptive student behavior, including habitual disruptive student behavior notices, to qualifying minors in accordance with Utah Code Ann. § 53G-8-210. A qualifying minor's parent may contest a notice of disruptive student behavior in accordance with the School's Parent Grievance Policy.

6. DUE PROCESS FOR SUSPENSIONS AND EXPULSIONS

The School will provide students with appropriate due process in connection with any decision to suspend or expel under this policy.

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

The School will provide appropriate due process and will comply with applicable state and federal statutes and regulations in connection with any change of placement of a student with a disability under IDEA, 504, or ADA.

8. ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN

8.1 Elements of Plan

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

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

8.1.2 effective instructional practices for teaching student expectations, including:

- (a) self-discipline;
- (b) citizenship;
- (c) civic skills; and
- (d) social emotional skills;

8.1.3 systematic methods for reinforcement of expected behaviors;

8.1.4 uniform and equitable methods for correction of student behavior;

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

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

8.1.7 an ongoing staff development program related to development of:

- (a) student behavior expectations;
- (b) effective instructional practices for teaching and reinforcing behavior expectations;
- (c) effective intervention strategies; and
- (d) effective strategies for evaluation of the efficiency and effectiveness of interventions;

8.1.8 procedures for ongoing training of appropriate School personnel in:

- (a) crisis management;
- (b) emergency safety interventions; and
- (c) School policies related to emergency safety interventions consistent with evidence-based practice;

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

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

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

- (a) bullying;
- (b) cyber-bullying;
- (c) hazing;
- (d) retaliation; and
- (e) abusive conduct;

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

- (a) physical restraint, subject to the requirements of Section R277-609-5, except when the physical restraint is allowed as described in § 53G-8-302(2);
- (b) prone, or face-down, physical restraint;
- (c) supine, or face-up, physical restraint;
- (d) physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;
- (e) mechanical restraint, except:
 - i. protective or stabilizing restraints;
 - ii. restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation; and
 - iii. any device used by a law enforcement officer in carrying out law enforcement duties;
- (f) chemical restraint, except as:
 - i. prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and
 - ii. administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;
- (g) seclusionary time out, subject to the requirements of Section R277-609-5, except when a student presents an immediate danger of serious physical harm to self or others; and

- (h) for a student with a disability, emergency safety interventions written into a student's IEP, as a planned intervention, unless:
 - i. School personnel, the family, and the IEP team agree less restrictive means have been attempted;
 - ii. a FBA has been conducted; and
 - iii. a positive behavior intervention, based on data analysis has been written into the plan and implemented;

8.1.13 direction for dealing with bullying and disruptive students;

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

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

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

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

8.1.18 strategies to provide for necessary adult supervision;

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

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

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

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

- (a) the role of law enforcement; and
- (b) emergency medical services; and
- (c) a provision for publication of notice to parents and school employees of policies by reasonable means; and
- (d) a plan for referral for a student with a qualifying office to alternative school-related interventions, including:
 - i. a mobile crisis outreach team, as defined in Section 80-1-102;

- ii. a receiving center operated by the Division of Juvenile Justice Services in accordance with Section 80-5-102;
- iii. a youth court; or
- iv. a comparable restorative justice program; and

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

8.2 Plan Consistent with this Policy

The administrative Student Conduct and Discipline Plan shall be consistent with this policy, including without limitation the emergency safety intervention policies and procedures set forth in Section 10. It shall also be consistent with the School's Plan for Harassment and Discrimination Free Learning, which shall be developed by the School in accordance with § 53G-8-802 and R277-609.

9. EXTRACURRICULAR ACTIVITIES

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

10. EMERGENCY SAFETY INTERVENTIONS

A School employee may not subject a student to physical restraint or seclusionary time out unless utilized as a necessary emergency safety intervention ("ESI") in compliance with this Section.

10.1 Definitions

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

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

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

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

10.2 General Procedures

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

10.2.2 An ESI shall:

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

10.3 Students with Disabilities Receiving Special Education Services

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

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

10.4 Physical Restraint

10.4.1 A School employee may, in accordance with Section 10.2.2 and when acting within the scope of employment, use and apply physical restraint as an ESI in self defense or as may be reasonable and necessary under the following circumstances:

- (a) to protect the student or another person from physical injury;
- (b) to remove from a situation a student who is violent;

- (c) to take possession of a weapon or other dangerous object in the possession or under the control of a student; or
- (d) to protect property from being damaged when physical safety is at risk.

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

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

10.4.3 Nothing in this Section prohibits a School employee from using less intrusive means, including a physical escort, to address circumstances described in Section 10.4.1.

10.5 Seclusionary Time Out

A School employee may, in accordance with Section 10.2.2 and when acting within the scope of employment, place a student in seclusionary time out as an ESI under the following circumstances:

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

10.5.2 any door remains unlocked consistent with applicable fire and public safety requirements; and

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

10.6 Notification

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

10.6.2 In addition to providing the notice described in Section 10.6.1, if the ESI is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and School administration.

10.6.3 Parent notifications made under this Section shall be documented in the student information system as required by R277-609-8(3)(d)).

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

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

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

10.7 Emergency Safety Intervention (ESI) Committee

10.7.1 The School shall establish an ESI committee that includes:

- (a) at least two administrators (if there are at least two administrators employed by the School);
- (b) at least one parent of a student enrolled in the School, appointed by the School's Principal; and
- (c) at least two certified educational professionals with behavior training and knowledge in both state rules and the School's conduct and discipline policies.

10.7.2 The ESI committee shall:

- (a) meet often enough to monitor the use of ESI within the School;
- (b) determine and recommend professional development needs;
- (c) develop policies for dispute resolution processes to address concerns regarding disciplinary actions; and
- (d) ensure that each emergency incident where a School employee uses an ESI is documented in the School's student information system and reported to the State Superintendent of Schools through UTREx.

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

10.7.4 The School shall annually provide documentation of any School use of ESI to the State Superintendent of Schools.

10.7.5 The School shall submit all required UTREx discipline incident data elements as part of the LEA's daily UTREx submission.

10.8 Corporal Punishment

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

11. SEARCHES OF PERSON OR PROPERTY

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

11.1 General Guidelines for Searches of Person or Property

11.1.1 Student Lockers

Students have no right or expectation of privacy in School lockers. While lockers are under the joint control of students and the School, lockers are solely School property and may be searched at any time by School officials with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 11.2 of these procedures.

11.1.2 Searches of Students and Student Property

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

11.2 Searches of Personal Belongings

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

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

11.3 Searches of Person

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

- (a) The search shall be conducted in a private area of the School by a School official.
- (b) The search shall be observed by an objective third party adult (i.e., Principal, teacher, police officer).
- (c) School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband. Under no circumstances may School officials require students to remove any other items of clothing or touch students in any way during the search.
- (d) If this limited search does not turn up suspected contraband and School officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.
- (e) In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to proper law enforcement investigation guidelines.

11.4 Documentation of Searches

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

11.4.1 The time, place and date of the search;

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

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

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

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

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

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

12.1 ~~Board and Principal Notification~~Requirements After Receiving Notification by From Juvenile Court and/or Law Enforcement Agencies of a Student's Serious Offense or Sexual Crime.

12.1.1 If the President of the Board is ~~Within three (3) days of being~~ notified by the juvenile court that a ~~juvenile~~ current or former student of the School has been adjudicated for a serious offense or sexual crime or ~~of being~~ notified by a law enforcement agency that a ~~juvenile~~ current or former student of the School has been taken into custody or detention for a ~~violent felony~~ serious offense or sexual crime, defined in Utah Code Ann. § 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5 Weapons, the President of the Board shall notify the Principal within three (3) days of receiving the notification

“Serious offense” is defined in Utah Code Ann. § 80-6-103 and means the following: a violent felony as defined in § 76-3-203.5; an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property stolen is a firearm; or an offense in violation of Title 76, Chapter 10, Part 5 Weapons.

“Sexual crime” or “sexual misconduct” means any conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses; Title 76 Chapter 5b, Sexual Exploitation Act; § 76-7-102, incest; § 76-9-702, lewdness; and § 76-9-702.1, sexual battery.

12.1.2 Upon receipt of the information about a student's serious offense (whether from the President of the Board or directly from the juvenile court or law enforcement agency), the Principal shall make a notation in a secure file other than the student's permanent file. Beginning no later than July 1, 2025, the School shall digitally maintain the secure file or, if available, the student's related reintegration plan described below, for one year from the day the notice is received and ensure the secure file follows the student if the student transfers to a different school.; ~~and, if the student is still enrolled in the School, the Principal shall notify staff members who should know of the adjudication, arrest or detention.~~

12.1.3 Upon receipt of the information about a student's serious offense or sexual crime (whether from the President of the Board or directly from the juvenile court or law enforcement agency), the Principal shall, if the student is still enrolled in the School, notify staff members who, in the Principal's opinion, should know of the adjudication, arrest, or detention. Staff members receiving information about a juvenile student's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.

12.2 Multidisciplinary Team and Reintegration Plan

12.2.1 In addition to complying with the requirements above, the School shall, within five (5) days after receiving a notification described in Section 12.1.1 about a student, or within a reasonable time after otherwise being notified of a student committing a serious offense or sexual crime, develop a reintegration plan for the student with a multidisciplinary team, the student, and the

student's parent or guardian. The multidisciplinary team should include the School, the juvenile court, the Division of Juvenile Justice and Youth Services, the School's Safety and Security Specialist, the School's Safety and Security Director, the School's Resource Officer (if any), and any other relevant party that should be involved in a reintegration plan.

12.2.2 The reintegration plan shall address:

- (a) a behavioral intervention for the student;
- (b) a short-term mental health or counseling service for the student; ~~and~~
- (c) an academic intervention for the student; and
- (d) if the serious offense or sexual crime was directed at a School employee or another student within the School, notification of the reintegration plan to that School employee or student and the student's parent.

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

12.2.4 The School's Resource Officer (if any) shall provide input for the School to consider regarding the safety risks a student may pose upon integration. The School shall also notify its Resource Officer (if any) of any student who is on probation.

12.2.5 The School shall not reintegrate a student when:

- (a) a student or staff member of the School has a protective order against the student being reintegrated; or
- (b) a student or staff member of the School is a victim of the serious offense or sexual crime committed by the student being reintegrated.

12.2.6 A reintegration plan under this section is classified as a protected record under Utah Code Ann. § 63G-2-305. All other records of disclosures under this section are governed by the Government Records Access and Management Act and the Family Educational Rights and Privacy Act.

12.3 Students Committing a Serious Offense or Sexual Crime are Subject to Suspension or Expulsion

Students who commit a serious offense or sexual crime, whether on or off School property, are subject to the suspension and expulsion provisions of this policy.

13. REFERRAL OF STUDENTS

13.1 The school shall follow Utah Code Ann. § 53G-8-211 with respect to referring a minor who is alleged to be a habitual truant or who is alleged to have committed an offense on School property when School is in session or during a School-sponsored activity. Depending on the alleged offense, the referral shall be to an evidence-based alternative intervention, prevention and early intervention youth services, a law enforcement officer or agency, a prosecuting attorney, or a court.

13.2 If a minor commits an offense on School grounds when School is in session or at a School-sponsored activity and that information is reported to, or known by, a School employee, the School employee shall notify the Principal. After receiving such a notification, the Principal shall notify a law enforcement officer or agency if the Principal may refer the offense to a law enforcement officer or agency as provided in Utah Code Ann. § 53G-8-211. The Principal shall also notify other school personnel if the Principal determines that other School personnel should be informed.

13.3 The School shall provide the juvenile court documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor before referring a student with an alleged class B misdemeanor or a nonperson class A misdemeanor to the juvenile court.

13.4 Referral of Students for Firearm Offense

If a student brings a firearm or weapon to the School, the student shall be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court.

143. TRAINING

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

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

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

154. POLICY AND PLAN DISSEMINATION AND REVIEW

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

154.2 A summary of this policy and the Student Conduct and Discipline Plan shall be posted in a prominent place in the School, and the policy and plan will be posted on the School's website. A

summary of the policy and plan shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.

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

REFERENCES

Gun Free Schools Act; 20 U.S.C. § 7151

Requires schools that receive federal financial assistance to have a policy requiring the expulsion from school for a period of not less than one year of any student who brings a weapon firearm, explosive or flammable material to school.

Individuals with Disabilities Education Act; 20 U.S.C. § 1415(K); 34 C.F.R. § 300.520-529.

A student with a disability who carries a weapon to school or to a school function, or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function may be placed by school officials in an interim alternative educational setting, in accordance with State law, for not more than 45 days. A hearing officer may order a change in placement for a student with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer determines that there is substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

Family Educational and Privacy Rights Act; 20 U.S.C. § 1232g (h)(1)-(2), 34 C.F.R. § 99.36

Allows schools to include appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community. Also allows schools to disclose such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1485.

Assures all children with eligible disabilities a free appropriate public education and related services designed to meet their unique needs.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. Prohibits discrimination on the basis of disability.

Rehabilitation Act of 1973, 29 U.S.C. § 705 (2)(C)(iv).

Stipulates that schools may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is

engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not disabled.

Americans with Disabilities Act (ADA), Title II, 42 U.S.C. § 12132. Prohibits public entities from discriminating on the basis of disability.

U. S. Department of Education, Office of Special Education Programs (OSEP) Memorandum (April 26, 1995). Questions and answers on disciplining students with disabilities.

U. S. Department of Education, Office for Civil Rights (OCR) Memorandum (January 28, 1991) ADA Amendments to Section 504 - Discipline of Students Using Drugs or Alcohol.

Utah Code Ann. § 53E-6-701 and § 80-2-602 - Mandatory reporting of physical or sexual abuse of students

Utah Code Ann. § 53G-8-302 - Use of reasonable and necessary physical restraint or force.

Utah Code Ann. §§ 53G-8-201 to 53G-8-213 - School Discipline and Conduct Plans

Utah Code Ann. §§ 53G-8-401 to -405 - Notification by juvenile court and law enforcement agencies

Utah Code Ann. § 80-2-610 - Immunity from liability

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North Davis Preparatory Academy Statement of Financial Position For Prior Month

Reporting Book:
As of Date:

ACCRUAL
6/30/24
North Davis
Preparatory
Academy

Location:

**Period Ending
06/30/2024**

Assets & Other Debits

Current Assets	
Operating Cash	5,313,472
Accounts Receivables	897,923
Other Current Assets	235,835
Total Current Assets	6,447,230
Restricted Cash	678,244
Net Assets	
Fixed Assets	15,134,459
Depreciation	(4,411,217)
Total Net Assets	10,723,242
Total Assets & Other Debits	17,848,716

Liabilities & Fund Equity

Current Liabilities	720,865
Long-Term Liabilities	10,710,000
Fund Balance	5,264,391
Net Income	1,153,460
Total Liabilities & Fund Equity	17,848,716

NOTE: Times on this agenda are estimated as a courtesy only. Actual times may vary.

In compliance with the Americans with Disabilities Act, persons needing accommodations for this meeting should call (801) 444-9378 to make appropriate arrangements.

North Davis Preparatory Academy

Statement of Activities

Created on June 30, 2024

For Prior Month

Reporting Book:

As of Date:

Location:

ACCRUAL

06/30/2024

North Davis

Preparatory

Academy

	Annual June 30, 2024	Year-to-Date June 30, 2024	
	Budget	Actual	% of Budget
Net Income			
Income			
Revenue From Local Sources	484,550	619,484	119.4 %
Revenue From State Sources	9,467,124	9,606,352	92.3 %
Revenue From Federal Sources	847,807	968,480	20.9 %
Total Income	10,799,481	11,194,316	87.9 %
Expenses			
Instruction/Salaries	5,584,220	5,532,251	80.2 %
Employee Benefits	1,441,416	1,503,554	84.1 %
Purchased Prof & Tech Serv	731,549	727,919	85.0 %
Purchased Property Services	296,328	267,880	72.8 %
Other Purchased Services	232,876	292,959	122.5 %
Supplies & Materials	1,287,367	1,196,426	88.4 %
Property	251,000	293,125	83.2 %
Debt Services & Miscellaneous	867,813	860,847	99.1 %
Total Expenses	10,692,569	10,674,961	84.4 %
Total Net Income	106,912	519,355	444.4 %

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North Davis Preparatory Academy

Electronic Board Meeting Minutes

Wednesday, June 26, 2024

Anchor Location: Elementary Library, 1765 W. Hill Field Rd., Layton, UT 84041

In Attendance: Monte Poll, Maggie Arave, Rita Brock, Dale Pfister, Clint Heiner

Others in Attendance: Ryan Robinson, Heidi Bauerle, Tyler O'Brien, Dawn Kawaguchi, Ammon Campbell (9:16 a.m.)



VISION:

North Davis Preparatory Academy students develop a love of learning, experience high academic achievement, and enjoy high bi-literate proficiency.

BOARD CONSTITUTION:

- ★ We will Govern, not Manage. We will set the direction and goals for the school, but we will not micromanage the day to day administration of the school.
- ★ We will speak with "One Voice". We will recognize that our authority is only valid as a group and not as individuals. We will not use our position on the Board to promote our own personal agendas.
- ★ We will make the Spanish language a key element of our school.
- ★ We will make decisions that will keep NDPA financially stable.
- ★ We will review our Charter before making any dramatic changes to school policy.

Minutes

9:10 AM – INTRODUCTORY ITEMS

- Welcome and Roll Call – Monte Poll

There was no PUBLIC COMMENT.

CONSENT ITEMS

- June 5, 2024 Board Meeting Minutes – There was no further discussion. **Monte Poll made a motion to approve the consent items. The roll call votes were as follows:**

Monte Poll – Aye

Maggie Arave – Aye

Dale Pfister – Aye

Rita Brock – Aye

Clint Heiner – Aye

Motion passed unanimously.

VOTING ITEMS

NOTE: Times on this agenda are estimated as a courtesy only. Actual times may vary.

In compliance with the Americans with Disabilities Act, persons needing accommodations for this meeting should call (801) 444-9378 to make appropriate arrangements.

- IFB for Kitchen Purchase – Ryan Robinson reminded the board that due to the amount of this purchase we must go through the RFP process. LaRetta put together a list of required items for the two kitchens, one at the Junior High and the other at the Elementary. The request was not to exceed \$250,000, and Ryan emphasized that these funds were specifically earned through the Child Nutrition program.
- Kindergarten Toilet Training Policy – Heidi Bauerle reviewed the Kindergarten Toilet Training Policy. This new policy requiring all kindergarteners to be toilet-trained due to legislative bill. She emphasized that schools are to provide resources for parent help and that lack of toilet training does not automatically indicate developmental delay, but a 504 plan might be necessary if there is clear evidence of a delay.
- Amend Background Check Policy – Dawn Kawaguchi reviewed the amended Background Check Policy requiring the school to cover the costs of background checks for employees and parent volunteers. Clint noted the potential liability risks if a background check was not conducted.
- Amend Electronic Meetings Policy – Dawn Kawaguchi reviewed the amended Electronic Board Meetings Policy which states that if all board members are joining electronically, the school does not require an anchor location, removing the need for someone to be physically present at the school. However, if a member of the public requests an anchor location then the school will need to provide one. **Monte Poll made a motion to approve the following:**
 - Award the RFP for this project to Boelter Companies, authorize the expenditure of an amount not to exceed \$250,000, and authorize Ryan Robinson to negotiate and sign, on behalf of NDPA, any contract required to proceed with the project;
 - Approve the Kindergarten Toilet Training Policy;
 - Approve the amended Background Check Policy; and
 - Approve the amended Electronic Meetings Policy.

The roll call votes were as follows:

Monte Poll – Aye
Maggie Arave – Aye
Rita Brock – Aye
Dale Pfister – Aye
Clint Heiner – Aye

Motion passed unanimously.

DISCUSSION ITEMS

- Calendaring Items – The board discussed their travel plans for their upcoming Boston trip. Dawn will follow up on their per diem checks.
 - NCSC24 Boston, MA June 30 – July
 - Next PreBoard Meeting – July 23rd @ 1 p.m.
 - Annual Board Meeting – August 7th

9:34 PM – Monte Poll made a motion to ADJOURN. The roll call votes were as follows:

Monte Poll – Aye

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Maggie Arave – Aye
Rita Brock – Aye
Dale Pfister – Aye
Clint Heiner – Aye
Motion passed unanimously.

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NDPA Board of Director's Meeting Wednesday, August 7, 2024

Action Item: 2024-2025 Early Learning Plan

Issue

In accordance with Utah Administrative Code R277-406, K-3 Reading and Math Improvement Program and Early Learning Goals, the Board shall approve a program plan submitted by an LEA. This plan must be submitted by September 1, 2024, for the school to receive their funding.

Background

Previously known as our Early Literacy Plan, the state of Utah has updated the title to be The Early Learning Plan and now includes Math and Reading. Our plan to the state is submitted each year and requires Board approval. This plan has been pre-approved by USBE's Teaching and Learning Department.

Early Mathematics Goal: By end of year 2025, NDPA will maintain the percentage of 2nd grade students at or above benchmark on the Acadience Math Computation from BOY to EOY by providing ongoing PD and instructional coaching to second grade teachers, including observations and feedback on the implementation of the Eureka Math Squared, Math Fact Fluency routines to maintain the number of students that master Computation. These students will also receive the recommended amount of iReady to supplement instruction and to support their Numeracy needs. To ensure the foundational numeracy skills to increase enthusiasm and success in academic settings.

Early Literacy Goal: By end of year 2025, NDPA will increase the percentage of 1st grade students at or above benchmark on Acadience Reading Nonsense Word Fluency, Correct Letter Sounds (NWF/CLS) by 15% from BOY to EOY by providing ongoing PD (including LETRS training) and instructional coaching to all 1st grade teachers, including observations and feedback on the implementation of the explicit PA and phonics routines to maintain benchmark students. The intervention of 95% group PA instruction and blending instruction will be given during intervention push-in block. These students will also receive recommended amount from a Tier 2 provider for literacy to supplement instruction and to support their literacy needs. To ensure the foundational language skills to increase enthusiasm and success in academic settings.

Recommendation

It is recommended that the board approve the 2024-2025 Early Learning Plan.

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EARLY LEARNING PLAN 2024-2025

LEA Name: North Davis Preparatory Academy

Date of Expected Local Board Approval: August 7th, 2024

Submission of Early Learning Plan:

- Submission on or before August 1st: For ELP **approval**, submit the following to earlylearning@schools.utah.gov **by August 1st.**
 - ELP Plan as a WORD document
- Plan approval added to Local Board agenda by August 1 to have approval completed by September 1
- All Revisions submitted **no later than September 1st by 5 p.m.**

SECTION A: EARLY LITERACY

List your evidence-informed core curriculum program(s) and evidence-based intervention program(s)/strategies for grades K-3 literacy along with the year published or edition.

SB 127: Districts and charters are required to provide instructional materials that are evidence-informed for core instruction and evidence-based for intervention and supplemental instruction.

***Evidence-Informed Curriculum(s)** (defined in SB 127 as: (i) is developed using high-quality research outside of a controlled setting in the given field, and (ii) includes strategies and activities with a strong scientific basis for use)

***Evidence-based** is defined in SB 127 as: means that a strategy demonstrates a statistically significant effect, of at least a 0.40 effect size, on improving student outcomes based on: (i) strong evidence from at least one well-designed and well-implemented experimental study or (ii) moderate evidence from at least one well-designed and well-implemented quasi-experimental study.

*Resources available: [Science of Reading Evidence-Informed Core Criteria Checklist](#)
[Strong and Moderate Evidence Criteria](#)

Core program(s) with year published/edition	Intervention program(s) with year published/edition or evidence-based strategies
Amplify CKLA 2 nd Edition	95% Group Blueprint of PA (2014) 95% Group PLL (2015) iReady

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SECTION B: EARLY MATHEMATICS

1. What evidence-based curriculum is being used in tier 1 instruction and intervention instruction for K-3 mathematics?

Core program(s)	Intervention program(s) and/or strategies
Eureka Math Squared (2023)	Camelot Math Math Talks iReady

2. Describe how the following mathematical components are incorporated in tier 1 instruction in grades K-3.

Mathematical Components	Evidence-based Strategies
Conceptual Understanding: the comprehension and connection of concepts, operations, and relations.	Eureka Math Squared Number Talks iReady Math Fluency through 20, number sense Teachers use the above programs in their classroom as they monitor students understand through daily number talks, reports and progress on Imagine Math and the tasks and activities in Fluency through 20. They provide opportunities for students to talk to each other, discover and develop an understanding of number sense.
Procedural Fluency: the meaningful, flexible, accurate, and efficient use of procedures to solve problems.	Eureka Math Squared Number Talks Math Fact Fluency Fluency through 20, number sense Teachers use the above programs to help student develop strategies when solving math problems. Strategies such as doubles plus and minus 1 & 2, making 10, finding benchmarks, gaining greater understanding of the value of digits according to the place they are in a number. This is then monitored through PM, classroom tasks, partner discussions and more.
Strategic and Adaptive Mathematical Thinking: the ability to formulate, represent, and solve mathematical	Eureka Math Squared Number Talks Exemplars iReady Math Fluency through 20, number sense

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problems with the capacity to justify the logic used to arrive at the solution.	Students not only have to get the “answer” correct but on classroom tasks they work to prove why the answer is what it is. They have to come up with multiple ways to prove their answer. Pictures, standard algorithms, story problems, etc.
Productive Disposition: the attitude of a student who sees mathematics as useful and worthwhile while exercising a steady effort to learn mathematics.	Eureka Math Squared Number Talks Exemplars iReady Math Fluency through 20, number sense Having students use and apply their skills in new and real environments allows us to assess if students are gaining the skills we teaching. Teachers do this when integrating math into social studies, reading, and other areas of instruction to help students see how this skill is used.

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SECTION C: LOCAL GOALS

Goals must be measurable, address current performance gaps in student math and/or literacy data, and include specific strategies for improving outcomes.

Videos to support goal writing: [Analyzing Data and Identifying Areas of Need](#) and [Writing Goals](#)

Goal Sentence Frame:

By **[date]**, **[who is responsible]** will **[what will change and by how much--measurable]** by **[how--which evidence-based strategy(ies) will be used]** to **[why—for what purpose]**.

1. Early Mathematics Goal *(required)*

By end of year 2025, NDPA will maintain the percentage of 2nd grade students at or above benchmark on the Acadience Math Computation from BOY to EOY by providing ongoing PD and instructional coaching to second grade teachers, including observations and feedback on the implementation of the Eureka Math Squared, Math Fact Fluency routines to maintain the number of students that master Computation. These students will also receive the recommended amount of iReady to supplement instruction and to support their Numeracy needs. To ensure the foundational numeracy skills to increase enthusiasm and success in academic settings.

2. Early Literacy or Mathematics Goal *(required)*

☒ Literacy Goal

☐ Mathematics Goal

By end of year 2025, NDPA will increase the percentage of 1st grade students at or above benchmark on Acadience Reading Nonsense Word Fluency, Correct Letter Sounds (NWF/CLS) by 15% from BOY to EOY by providing ongoing PD (including LETRS training) and instructional coaching to all 1st grade teachers, including observations and feedback on the implementation of the explicit PA and phonics routines to maintain benchmark students. The intervention of 95% group PA instruction and blending instruction will be given during intervention push-in block. These students will also receive recommended amount from a Tier 2 provider for literacy to supplement instruction and to support their literacy needs. To ensure the foundational language skills to increase enthusiasm and success in academic settings.

General Assurances: Check the boxes below.

☒ The LEA assures that it is in compliance with State Code [53E-4-307.5](#), [53G-7-218](#), [53E-3-521](#) and Utah Board Rule [R277-406](#) applicable to this program.

☒ The LEA has adopted high quality instructional materials and intervention programs aligned with the effective research regarding the science of reading and the LEA's reading strategies meet the criteria in Section [53G-11-303](#).

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☒ The Early Learning Plan submitted will be reviewed and approved by your local board in an open, public meeting.

By submitting this form, I certify the information I provided on and in connection to this application is true, accurate and complete. I also understand that any false statements on this application I file with the Utah State Board of Education may be grounds for corrective action.

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NDPA Board of Director's Meeting Wednesday, August 7, 2024

Action Item: *Expenses for 9th Grade Spain Study Abroad*

Issue

The board approves all expenses and purchases over \$25,000.

Background

NDPA organizes an opportunity to study abroad in Spain. This year it is anticipated that **43 students and 6 faculty** chaperones will participate in the SY 2023-2024 student study abroad.

Kim Lovell has developed a comprehensive learning course for credit that encompasses history, culture, language and an opportunity to travel and develop deep personal connections with Spain; the grantor of our International Spanish Academy status.

She has calculated that the cost per participant will be approximately \$3,400 per student for a total of \$146,200 needed to cover trip costs. Items included in the cost are:

- Airfare
- Lodging
- Meals
- Museum and Activity tickets
- Transportation
- Onsite local exchange families that teach and guide

This trip supports the school vision and mission of helping students in their: love of learning, biliteracy and high achievement.

Recommendation

It is recommended that the board approve the 9th Grade Spain Study Abroad Trip not to exceed not to exceed \$175,000.

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NDPA Board of Director's Meeting Wednesday, August 7, 2024

Action Item: *Amending the Arrest Reporting Policy*

Issue:

NDPA needs to amend its Arrest Reporting Policy to update the administrative code references and requirements.

Background:

NDPA's Arrest Reporting Policy was originally adopted in 2015 and contains some outdated Administrative Code References related to arrest reporting. The proposed revisions to the policy include the updated code references as well as add some detail regarding the arrest and other offense reporting requirements for employees, volunteers, and board members.

The administrative procedures for this policy have also been updated to reflect current law and rule. At the request of the School's administration, the timeline for reporting by non-licensed employees, volunteers, and board members has been changed in the procedures to reflect the same timeline imposed on licensed employees. With these revisions, employees (licensed and non-licensed), volunteers, and board members must make the required reports within 48 hours.

Recommendation:

It is recommended that the Board approve the amended Arrest Reporting Policy.

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North Davis Preparatory Academy

Arrest Reporting Policy



POLICY

The Board of Directors of ~~the School~~ North Davis Preparatory Academy (the “School”) recognizes the importance of receiving information regarding arrests, convictions, and other offenses of employees ~~that are not licensed by the Utah State Office of Education~~ in order to assist the School in adequately safeguarding the safety of students.

Employees who are licensed by the Utah State Board of Education shall report arrests, citations, charges, and convictions as set forth in Utah Administrative Code Rule R277-217-4.

The Principal of the School will ~~therefore~~ establish administrative procedures that comply with the requirements of Utah Administrative Code R277-~~5~~316-4 with respect to the required reporting of arrests and convictions of the following individuals: employees that are not licensed by the Utah State Board of Education, volunteers who have significant unsupervised access to students in connection with their volunteer assignment, Board Members, and any other employee who drives a motor vehicle as part of his or her employment responsibilities at the School.

The Board acknowledges the requirement that Board Members report arrests and convictions as set forth in R277-~~5~~316-~~4~~5.C.



Arrest Reporting *Administrative Procedures*

These procedures are established in order to comply with the Arrest Reporting Policy adopted by the School's Board of Directors.

Required Reports

(a) Non-US~~OE~~BE-licensed employees of the School, (b) School volunteers who are given significant unsupervised access to children in connection with their volunteer assignment, (c) Board Members, and (d) any School employees who drive a motor vehicle as part of their employment responsibilities must report to the Principal information regarding the following matters:

- Convictions, including pleas in abeyance and diversion agreements;
- Any matters involving arrests for alleged sex offenses;
- Any matters involving arrests for alleged drug-related offenses;
- Any matters involving arrests for alleged alcohol-related offenses; and
- Any matters involving arrests for alleged offenses against the person under Title 76, Chapter 5, Offenses Against the Individual (i.e.e.g., assault, ~~battery~~child abuse, sexual offenses, etc.).

Timeline for Reports

Current employees of the School must provide the required reports to the Principal within ~~seven (7) days~~48 hours (or as soon as possible thereafter) of receiving notification of this policy from the Principal. Thereafter, employees of the School must submit required reports to the Principal within ~~seven (7) days~~48 hours (or as soon as possible thereafter) of the event necessitating the report. New employees of the School must report this information prior to commencing work for the School.

Procedure for Review of Reports

The Principal will review and investigate all reports received pursuant to the policy and determine whether any employment action is necessary to protect the safety of students.

The Principal will maintain the confidentiality of the information submitted and only share such information with individuals who have a legitimate need to know. Information regarding the reports, the results of any investigation, the Principal's determination, and any action taken will be

maintained in a separate, confidential employment file. These records will only be kept as long as the Principal determines it is necessary to protect the safety of students.

Required Action

Any individual who reports a matter involving alleged sex offenses or other alleged offenses which may endanger students shall be immediately suspended from all student supervision responsibilities during the period of investigation.

Any individual who reports a matter involving alcohol or drugs shall be immediately suspended from transporting students, operating motor vehicles on school business, or operating or maintaining school vehicles during the period of investigation.

Due Process

An employee or volunteer dismissed or suspended from employment or appointment shall receive adequate due process consistent with Utah Code § 53G-11-405, including written notice of the reasons for dismissal or suspension and have an opportunity to respond to the reasons.

Training

The Principal will ensure that individuals subject to this policy receive appropriate training regarding their arrest reporting obligations.

NDPA Board of Director's Meeting Wednesday, August 7, 2024

Action Item: *Amend Selection, Approval & Purchase of Instructional Materials Policy*

Issue:

North Davis Preparatory Academy (the School) needs to amend its Selection, Approval, & Purchase of Instructional Materials Policy.

Background:

HB 29 from the 2024 legislative session established a review process that schools must follow when stakeholders (i.e., school employees, students enrolled in the school, parents of students enrolled in the school, and board members of the school) allege that instructional materials used by the school constitute “sensitive material.” HB 29 also modified the definition of “sensitive material,” creating an objective and subjective sensitive material standard. Under the bill, schools must remove instructional materials that it finds through its review process to be sensitive material. In addition, schools must remove instructional material from student access upon being notified by the USBE that the following number of LEAs in the state have determined that the instructional material constitutes objective sensitive material: at least three (3) school districts or at least two (2) school districts and five (5) charter schools. In response to HB 29, the USBE amended R277-628, which formerly contained requirements with respect only to the selection and review of library materials. The USBE’s amendments to R277-628 now make the rule apply to the selection and review of all instructional materials, not just library materials. The amendments also require all LEAs to have, by September 1, 2024, a policy and procedures for the selection and review/reconsideration of instructional materials.

The proposed revisions to the school’s Selection, Approval, and Purchase of Instructional Materials Policy and the new administrative procedures to go with it are intended to comply with HB 29 and the newly amended R277-628. With the changes to R277-628, the school should soon review its library materials selection and review policy and procedures to see if they should be amended or rescinded to avoid any overlap with this policy.

Recommendation:

It is recommended that the Board approve the amended Selection, Approval, & Purchase of Instructional Materials Policy including the name change to Instructional Materials Policy and rescind the Library Materials Policy.

NOTE: Times on this agenda are estimated as a courtesy only. Actual times may vary.

In compliance with the Americans with Disabilities Act, persons needing accommodations for this meeting should call (801) 444-9378 to make appropriate arrangements.

North Davis Preparatory Academy

~~Selection, Approval, & Purchase of~~ Instructional Materials Policy



PURPOSE

The purpose of this policy is to establish the parameters by which North Davis Preparatory Academy (the “School”) will select, approve, and purchase instructional materials. The purpose of this policy and accompanying procedures is to also set forth the School’s process for reviewing challenges to instructional materials.

DEFINITIONS

”Instructional materials” are the resources used by educators to deliver curriculum or support student learning. These materials may be commercially available or School-created and include such materials as textbooks, reading materials, videos, digital materials, websites, online applications, and live presentations. “Instructional materials” do not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class, or another class with required instructional material that is not subject to selection by the School.

“Sensitive material” means an instructional material that constitutes objective sensitive material or subjective sensitive material. “Sensitive material” does not include the instructional material outlined in Utah Code § 53G-10-103(1)(h)(ii).

“Objective sensitive material” means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code § 76-10-1235, under the non-discretionary standards described in Utah Code § 76-10-1227(1)(a)(i), or (ii), or (iii).

“Subjective sensitive material” means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code § 76-10-1235, under the following factor-balancing standards:

- (a) material that is harmful to minors under Utah Code § 76-10-1201;
- (b) material that is pornographic under Utah Code § 76-10-1203; or
- (c) material that includes certain fondling or other erotic touching under Utah Code § 76-10-1227(a)(iv).

“School community parent” means a parent who has a student currently attending the School, or will have a student enrolled in the School within one year, where the challenged instructional material is being reviewed in accordance with this policy and Utah Code § 53G-10-103(4).

“School setting” means the School’s classrooms, library, and property. “School setting” also includes School-sponsored or required activities, including assemblies, guest lectures, live presentations, or other events.

“Stakeholder” for purposes of this policy means:

- (a) an employee of the School;
- (b) a student who is enrolled in the School;
- (c) a parent of a child who is enrolled in the School; or
- (d) a member of the School’s Board of Directors.

POLICY

The School shall comply with the requirements of Utah law and Utah State Board of Education (“USBE”) rule regarding the selection, approval, ~~and~~ purchase, and review of instructional materials, including but not limited to Utah Administrative Code R277-468 and R277-469, Utah Code § 53G-10-103 and, when applicable, Utah Code § 53G-5-404.

The School’s purpose in managing the selection, approval, ~~and~~ purchase, and review of instructional materials is to implement, enrich, and support the School’s educational program. It is also to prioritize protecting students from the harmful effects of illicit pornography over other considerations in evaluating instructional materials. ~~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~~ Instructional materials used by the School shall ~~should be:~~

- (a) be consistent with the Utah Core standards;
 - (b) be consistent with the principles of individual freedom as defined in Utah Code § 53G-10-206;
 - (c) not constitute sensitive material as defined in Utah Code § 53G-10-103;
 - (d) not be prohibited discriminatory practice as described in Utah Code § 53B-1-118;
and
 - (e) comply with all other applicable state laws and USBE rules.
-
- ~~(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) objective and provide balanced viewpoint of issues;~~
 - ~~(d) accurate and factual;~~
 - ~~(e) reflective of the pluralistic character and culture of the American people and accurate in the representation of diverse ethnic groups;~~
 - ~~(f) consistent with the principles of individual freedom as defined in Utah Code § 53G-10-206;~~

- (g) ~~appropriate to varying levels of learning;~~
- (h) ~~age appropriate; and~~
- (i) ~~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 Principal

The Board of Directors (the “Board”) delegates to the School Principal the authority and responsibility to select and approve instructional materials for the School, except under circumstances where the Board is specifically required by law or a different School policy to approve instructional materials.

The Principal shall select and approve instructional materials that meet the criteria set forth in this policy. When considering instructional materials, the Principal ~~shall~~may review the ~~Utah State Board of Education~~USBE’s recommended instructional materials (RIMs), but the Principal is not required to select RIMs if there are other instructional materials available that meet the criteria set forth in this policy.

The Principal shall involve School community 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 Principal 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 or School policy 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(~~1413~~), the requirements in this section apply only if the Board is approving instructional materials. The requirements do not apply if the Board is not approving instructional materials and instead only the Principal is selecting and approving

instructional materials (which Utah Code § 53G-5-404(~~14~~13) refers to as “learning material”). In addition, ~~nor do~~ the requirements in this section do not apply to educators’ selection of supplemental materials or resources.

Any instructional materials approved by the Board shall meet the criteria set forth in this policy.

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 Principal 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 Principal 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 Principal 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. The School shall also comply with applicable requirements in R277-469 related to School contracts with publishers for instructional materials.

~~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 Principal 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 Principal or the Board, as applicable, has discretion as to how to include such parents in this process.~~

Sensitive Material Review Procedures

Sensitive materials are prohibited in the School setting. In accordance with Utah law, USBE rule, and the School's administrative procedures, stakeholders may initiate a sensitive material review by the School if they feel an instructional material used by the School constitutes sensitive material.

The Principal shall establish administrative procedures that set forth how stakeholders may initiate a sensitive material review by the School and the review process the School will follow. The administrative procedures shall comply with applicable Utah law and USBE rule.

Administrative Procedures Sensitive Material Review

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

SENSITIVE MATERIAL REVIEW PROCESS

Stakeholders may initiate a sensitive material review by the School if they feel an instructional material used by the School constitutes sensitive material.

However, notwithstanding the foregoing, if a stakeholder makes three unsuccessful challenges during a given academic year, that individual may not trigger a sensitive material review during the remainder of the given school year. An "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the School concludes to be erroneous, either on direct review or on appeal to the Board, resulting in the retention of the given instructional material.

Stakeholders may allege that an instructional material used by the School constitutes sensitive material by submitting the Sensitive Material Review Request Form accompanying these procedures. Upon receipt of the completed form by a stakeholder, the School shall:

Step One – Initial Review

- (a)(i) Make an initial determination as to whether the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material, including whether the allegation includes excerpts and other evidence to support the allegation. The Principal shall designate two or more School employees to make this initial determination for the School (the Principal can be one of the two employees if he/she desires); and
- (ii) If the School's initial determination is that that the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material as described above, the School shall immediately remove the challenged material until the School completes the School's full review of the challenged material as set forth below;

Step Two – Objective Sensitive Material Standards Review (if necessary)

- (b)(i) If the School's initial determination is that the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material, engage in a review of the allegations and the challenged instructional material using the objective sensitive material standards. The Principal shall designate three or more individuals to conduct this review, one of which must be a School community parent (the School employees who conducted the initial review may also be designated to conduct this review); and
- (ii) If the School determines that the challenged instructional material constitutes objective sensitive material, the School shall ensure that the material remains inaccessible to students in any School setting;

Step Three - Subjective Sensitive Material Standards Review (if necessary)

- (c) If, and only if, the School determines that the challenged instructional material does not constitute objective sensitive material, the School shall:
 - (i) Review the allegations and the challenged instructional material under the subjective material standards to determine if an instructional material is subjective sensitive material. The Principal shall designate three or more individuals to conduct this review, but at least two of the individuals must be School community parents (the individuals who conducted the objective sensitive material standards review may also be designated to conduct this review, but at least two of the individuals must be School community parents);
 - (ii) Allow student access to the challenged instructional material during the School's subjective sensitive material review if the student's parent gives consent regarding the specific challenged instructional material; and
 - (iii) If the School determines that the challenged instructional material constitutes subjective sensitive material, ensure that the material is inaccessible to students in any School setting, including the termination of the parent consent option described above.

Miscellaneous Review Rules

Neither the individuals responsible for procurement of the challenged instructional materials nor the stakeholder who is challenging the instructional materials may serve on any of the review committees described in the steps above.

If the School requires a School employee to participate on a sensitive materials review committee requiring engagement outside of contract hours, the School shall compensate the employee for the employee's time participating on the committee.

Communication

Soon after the completion of a sensitive material review, the School shall communicate its final determination (regardless of in which step the final determination comes) in writing to the stakeholder who requested the review.

The School shall also communicate to the USBE each stakeholder sensitive material review request, the final determination by the School on each request, and the School's rationale for its final determination on each request. The Principal shall communicate this information to the USBE on behalf of the School using the form provided by the USBE:

- (a) within 30 school days of the final determination; or
- (b) if an appeal is in process, at the conclusion of the appeal.

Appeal

A stakeholder may appeal the School's decision to the Board regarding a sensitive material review by submitting to the Board President the Sensitive Material Appeal Request Form within fourteen days of receiving the School's decision. A stakeholder may file such an appeal regardless of whether the School removed or retained the challenged instructional material. The Board shall vote in a public board meeting to decide the outcome of a sensitive material review appeal. In the board meeting, the Board shall clearly identify:

- (a) the Board's rational for its decision; and
- (b) the Board's determination on each component of the statutory and any additional policy standards used by the Board to reach the Board's conclusion.

REMOVING INSTRUCTIONAL MATERIALS THAT CONSTITUTE SENSITIVE MATERIAL

Removing Instructional Material if State Threshold is Met

In accordance with Utah Code § 53G-10-103(7), the School shall remove instructional material from student access upon being notified by the USBE that the following number of LEAs in the state have determined that the instructional material constitutes objective sensitive material:

- (a) at least three school districts; or
- (b) at least two school districts and five charter schools.

However, removal from student access under these circumstances is subject to the USBE voting to overturn the application of the statewide removal requirement with respect to the instructional material. If the USBE votes to overturn the application of the statewide removal requirement with respect to the instructional material, the statewide removal requirement no longer applies and the School may choose to return access to the instructional material to its students.

Removing Instructional Material After Sensitive Material Review

The School shall follow the applicable removal requirements described in Steps One through Three of the School's sensitive material review process. In addition, if at the completion of the sensitive material review process the School makes a final determination that an instructional material constitutes sensitive material, the School shall permanently remove the instructional material.

Disposal of Instructional Material

When permanently removing instructional material because it constitutes sensitive material, the School shall:

- (a) physically remove the sensitive material from the School;
- (b) remove all access by students to the sensitive material;

- (c) communicate with the relevant vendors and publishers regarding the School's decision;
- (d) legally dispose of the sensitive material; and
- (e) not sell or distribute the sensitive material.

Sensitive Material Review Request Form

Information about Instructional Material Requested to be Reviewed:

- 1) Title:
- 2) Author:
- 3) Publisher:
- 4) Do you believe this instructional material constitutes sensitive material as that term is defined in Utah Code § 53G-10-103? Yes No

Information about Requestor:

- 1) Name:
- 2) Phone:
- 3) Address:
- 4) Email:
- 5) Are you a student of North Davis Preparatory Academy? Yes No
- 6) Are you a parent of a student of North Davis Preparatory Academy? Yes No
- 7) Are you an employee of North Davis Preparatory Academy? Yes No
- 8) Are you a board member of North Davis Preparatory Academy? Yes No

Information about Review Request:

- 1) Was this instructional material recommended, assigned, used, or made available through the school? If so, please explain.
- 2) In your opinion, how does this instructional material constitute sensitive material? Please provide examples, page numbers, links, or other information to help in locating or identifying the content you believe qualifies as sensitive material. Please attach any images or other corroborating evidence. You may attach additional pages as needed.

Requestor's Signature: _____ Date: _____

After you submit this Form, you will receive an acknowledgment of receipt and an estimated timeline for when a decision will be made by the School. The School generally completes its review and makes its final decision between thirty to sixty (30-60) days after its receipt of a request for review.

Sensitive Material Appeal Request Form

Instructions:

A requestor must submit this Form along with a copy of the School's written decision on the sensitive material review request within fourteen (14) days of receiving the School's written decision.

Information about Requestor:

- 1) Name:
- 2) Phone:
- 3) Address:
- 4) Email:
- 5) Date you received the School's written decision on your sensitive material review request:

- 6) Are you a student of North Davis Preparatory Academy? Yes No
- 7) Are you a parent of a student of North Davis Preparatory Academy? Yes No
- 8) Are you an employee of North Davis Preparatory Academy? Yes No
- 9) Are you a board member of North Davis Preparatory Academy? Yes No

Information about Challenged Instructional Material:

- 1) Title:
- 2) Author:
- 3) Publisher:
- 4) Please provide a written statement setting forth your rationale for appealing the School's decision regarding the challenged instructional material (attach additional pages as needed).

Requestor's Signature: _____ Date: _____

After you submit this Form, you will receive an acknowledgment of receipt and an estimated timeline for when a decision will be made by the Board in a public board meeting. The Board generally tries to make its decision at a public board meeting between thirty to sixty (30-60) days after its receipt of an appeal.

NDPA Board of Director's Meeting Wednesday, August 7, 2024

Action Item: *Amend Bigfoot Grafix Purchase*

Issue

In accordance with the school's purchasing policy, all invoices that exceed \$25,000 must be approved by the North Davis Preparatory Academy Board of Directors. This includes all purchases from a single vendor in a 30-day period.

Background

On December 6, 2023, the Board awarded the IFB purchase of cultural gym décor to Bigfoot Grafix not to exceed \$125,000. The Jr. high gym décor has been installed. The invoice from Bigfoot Grafix was received with an unexpected 140 design hours at \$75/hour. With this cost, we exceeded the \$125,000 amount so we are requesting to amend the purchase amount not exceed \$130,000.

Recommendation

It is recommended that the Board approve the amended Bigfoot Grafix purchase not to exceed \$130,000.

NOTE: Times on this agenda are estimated as a courtesy only. Actual times may vary.

In compliance with the Americans with Disabilities Act, persons needing accommodations for this meeting should call (801) 444-9378 to make appropriate arrangements.



2740 Industrial Dr
Ogden, UT 84401
(801) 668-9791

INVOICE

INV-18615

Bigfoot Grafix

Completed Date: 7/31/2024

Payment Terms: Cash Customer

Payment Due Date: 7/31/2024

Order Due Date: 8/14/2024

Created Date: 7/31/2024

DESCRIPTION: Gymnasium Graphics

Bill To: North Davis Preparatory Academy
1765 W Hill Field Road
Layton, UT 84041
US

Pickup At: Bigfoot Grafix
2740 Industrial Dr
Ogden, UT 84401
US

Ordered By: Ammon Campbell
Email: ACampbell@northdavisprep.org
Tax ID: N21581

Salesperson: Wayne Scadlock
Email: waynes@bigfootgrafix.com

NO.	Product Summary	QTY	UNIT PRICE	TAXABLE	AMOUNT
1	Side Walls - 1107"x379"	2	\$27,746.00	\$0.00	\$55,492.00
1.1	3M 8624 / 8520 Matte - Concrete -				
2	End Wall Stage Side Walls - 180"x379"	2	\$4,500.00	\$0.00	\$9,000.00
2.1	3M 8624 / 8520 Matte - Concrete -				
3	Above Stage section - 362"x112"	1	\$2,674.00	\$0.00	\$2,674.00
3.1	3M 8624 / 8520 Matte - Concrete -				
4	Far end wall - 721"x379"	1	\$18,027.00	\$0.00	\$18,027.00
4.1	3M 8624 / 8520 Matte - Concrete -				
5	Installation	1	\$30,384.00	\$0.00	\$30,384.00
5.1	Installation -				
6	Lift cost for high ceilings per day	1	\$450.00	\$0.00	\$450.00
6.1	Manually entered - Lift for 32' ceilings per day				
7	Design Costs per hour	1	\$75.00	\$0.00	\$75.00
7.1	Design Time -				
8	Lift rental	1	\$1,900.00	\$0.00	\$1,900.00
8.1	Manually entered -				
9	Design Time (140 hours)	1	\$10,500.00	\$0.00	\$10,500.00
9.1	Design Time -				
Subtotal:					\$128,502.00
Taxable Amount:					\$0.00
Taxes:					\$0.00
Grand Total:					\$128,502.00
Amount Paid:					\$0.00
BALANCE DUE:					\$128,502.00