

# Hawthorn Academy Board of Directors Meeting

**Date:** September 11, 2024

**Time:** 8:45AM

**Location:** 9062 S 2200 W West Jordan, UT 84088



Our mission is to provide an exciting and enabling learning environment where students will develop a desire to explore and understand the world around them; be inspired to set and reach personal goals and become lifelong seekers of knowledge. We will provide challenging academics utilizing a proven methodology that will foster students who are responsible citizens, intellectually capable, and competitive in every aspect of society. Students will develop self-respect and self-discipline in a safe and supportive environment.

## AGENDA

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### PUBLIC COMMENT (limited to three minutes each)

- LEA Specific Licenses

### REPORTS

- Director's Report
  - Mental Health Grant
- Conferences Report
- Budget Report

### CONSENT ITEMS

- Aug 21, 2024, Board Meeting and Closed Session Minutes

### VOTING AND DISCUSSION ITEMS

- LEA Specific licenses
- Policy to Amend:
  - Attendance Policy
  - Background Check Policy
  - Electronic Meetings Policy
  - Selection, Approval and Purchase of Instructional Materials
  - Student Conduct and Discipline Policy
- Board Member Longevity
- Dress Code Discussion

In compliance with the Americans with Disabilities Act, persons needing accommodations for this meeting should call 801-444-9378 to make appropriate arrangements. One or more board members may participate electronically or telephonically pursuant to UCA 52-4-207.

## **CALENDARING**

- Next Meeting October 9, 2024

## **ADJOURN**

In compliance with the Americans with Disabilities Act, persons needing accommodations for this meeting should call 801-444-9378 to make appropriate arrangements. One or more board members may participate electronically or telephonically pursuant to UCA 52-4-207.

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Hawthorn Academy: 09.11.2024

### Number of Students Proficient on State Assessments

South Jordan - Acadience (Grades K-5) 2023-2024			
Math	BOY	EOY	% Gain/Loss
Grade K	56%	50%	-6%
Grade 1	59%	48%	-11%
Grade 2	47%	78%	31%
Grade 3	42%	76%	34%
Grade 4	54%	58%	4%
Grade 5	39%	74%	35%
School Avg.			

Reading	BOY	EOY	% Gain/Loss
Grade K	55%	65%	10%
Grade 1	65%	56%	-9%
Grade 2	64%	62%	-2%
Grade 3	67%	79%	12%
Grade 4	67%	74%	7%
Grade 5	41%	73%	32%
School Avg.			

West Jordan - Acadience (Grades K-5) 2023-2024			
Math	BOY	EOY	% Gain/Loss
Grade K	60%	57%	-3%
Grade 1	54%	71%	17%
Grade 2	64%	86%	22%
Grade 3	61%	55%	-6%
Grade 4	53%	65%	12%
Grade 5	47%	60%	13%
School Avg.	57%	66%	3%

Reading	BOY	EOY	% Gain/Loss
Grade K	58%	70%	12%
Grade 1	50%	69%	19%
Grade 2	77%	79%	2%
Grade 3	77%	76%	-1%
Grade 4	71%	70%	-1%
Grade 5	67%	72%	5%
School Avg.	67%	73%	6%

South Jordan - RISE (Grades 3-6)			
Math	2022-2023	2023-2024	% Gain/Loss
Grade 3	39%	48%	9%
Grade 4	41%	49%	8%
Grade 5	54%	40%	-14%
Grade 6	39%	31%	-8%
School Avg.	43%	42%	-1%

ELA	2022-2023	2023-2024	% Gain/Loss
Grade 3	38%	42%	4%
Grade 4	29%	46%	17%
Grade 5	50%	47%	-3%
Grade 6	53%	45%	-8%
School Avg.	43%	45%	2%

Science	2022-2023	2023-2024	% Gain/Loss
Grade 4	41%	49%	8%
Grade 5	56%	54%	-2%
Grade 6	68%	56%	-12%
School Avg.	55%	53%	-2%

West Jordan - RISE (Grades 3-8)			
Math	2022-2023	2023-2024	% Gain/Loss
Grade 3	54%	45%	-9%
Grade 4	60%	58%	-2%
Grade 5	32%	53%	21%
Grade 6	38%	30%	-8%
Grade 7	47%	40%	-7%
Grade 8	21%	34%	13%
Grades 3-5 Avg.	49%	52%	3%
Grades 6-8 Avg.	35%	35%	0%
School Avg.	42%	44%	2%

ELA	2022-2023	2023-2024	% Gain/Loss
Grade 3	44%	48%	4%
Grade 4	45%	49%	4%
Grade 5	44%	44%	0%
Grade 6	40%	51%	11%
Grade 7	41%	54%	13%
Grade 8	41%	44%	12%
Grades 3-5 Avg.	44%	47%	3%
Grades 6-8 Avg.	41%	50%	9%
School Avg.	43%	49%	7%

Science	2022-2023	2023-2024	% Gain/Loss
Grade 4	50%	49%	-1%
Grade 5	48%	54%	6%
Grade 6	62%	57%	-5%
Grade 7	37%	42%	5%
Grade 8	46%	42%	4%
Grades 4-5 Avg.	49%	52%	3%
Grades 6-8 Avg.	48%	47%	-1%
School Avg.	49%	53%	4%

West Jordan - Utah Aspire Plus (Grade 9)			
Math	2022-2023	2023-2024	% Gain/Loss
Grade 9	30%	21%	-9%

ELA	2022-2023	2023-2024	% Gain/Loss
Grade 9	37%	30%	-7%

Science	2022-2023	2023-2024	% Gain/Loss
Grade 9	34%	38%	4%

Reading	2022-2023	2023-2024	% Gain/Loss
Grade 9	40%	36%	-4%

Grade	SY 24	SY 25	Didn't Return	New Students	Difference
K	135	99		99	
1	83	122	-32	19	-13
2	108	82	-18	17	-1
3	73	108	-13	13	0
4	78	64	-16	7	-9
5	70	79	-9	10	1
6	46	68	-14	12	
7					
8					
9					
Total	593	622	-102	177	-22

Grade	SY 24	SY 25	Didn't Return	New Students	Difference
K	65	59		59	
1	67	65	-10	10	0
2	72	69	-7	9	2
3	68	74	1	1	2
4	75	72	-8	12	4
5	82	78	-5	8	3
6	73	83	-8	9	1
7	100	94	-17	38	21
8	98	92	-13	5	-8
9	72	59	-40	1	-39
Total	772	745	-107	152	-14



## School-based Mental Health Qualifying Grant Program (Annual Plan Update)

Applicant Organization  
Hawthorn Academy

Form Completed  
Yes

Overview

### Overview

The state board shall distribute money appropriated under this section to local education agencies (LEAs) to provide, in a school, targeted school-based mental health support, including clinical services and trauma-informed care, through employing or entering into contracts for services provided by qualifying personnel or employing behavioral health support personnel. Please direct all questions to [SBMHQualifyingGrant@schools.utah.gov](mailto:SBMHQualifyingGrant@schools.utah.gov)

### Supporting Documents

- Frequently Asked Questions (FAQ) Document
- Utah Code 53F-2-415
- USBE Rule R277-622
- School-based Mental Health Qualifying Grant Program Website
- School-based Mental Health Qualifying Grant Program Resources Folder

### Key Definitions

- 1. Additional Allocation** (outlined in [USBE Rule R277-622-5\(8\)\(9\)](#)): An allocation available to LEAs if there is an excess of funding available after the applications and annual plan updates are approved. It should be considered one-time funding.
- 2. Behavioral Health Support Personnel** (defined in [53F-2-415\(1\)\(a\)](#)): An individual who:
  - (i) works under the direct supervision of qualifying personnel to:
    - (A) Support and track a student's progress and access to and completion of school curriculum; and
    - (B) Support students by prompting, redirecting, encouraging, and reinforcing positive behaviors;
  - (ii) is not certified or licensed in mental health; and
  - (iii) meets the professional qualifications as defined by state board rule.
- 3. Qualifying Personnel** (defined in [Subsection 53F-2-415\(1\)](#)): A school counselor or other counselor, school psychologist or other psychologist, school social worker or other social worker, or school nurse who:
  - (a) is licensed; and
  - (b) collaborates with educators and a student's parent, or:
    - (i) early identification and intervention of the student's academic and mental health needs; and
    - (ii) removing barriers to learning and developing skills and behaviors critical for the student's academic achievement.
- 4. Related Services:** Mental-health or school nursing services provided by:
  - (a) Qualifying personnel within the scope of their practice; or
  - (b) The local mental health authority; or
  - (c) A private provider through a contract; or
  - (d) Training is funded only through carry forward funds that are provided by qualifying personnel for school personnel.
- 5. Telehealth Services** (defined in [Subsection 26B-4-704\(1\)\(h\)](#)): The transmission of health-related services or information through the use of electronic communication or information technology.





LEA Overview

Application Lead Contact Name  
 Nichole Bonham

Application Lead Contact Position  
 Floyd Stensrud

Application Lead Contact Telephone no.  
 (801) 282-9066

Application Lead Contact Email Address  
 nbonham@hawthornacademy.org

Second Point of Contact Name  
 Floyd Stensrud

Second Point of Contact Position  
 Superintendent

Second Point of Contact Telephone no.  
 (801) 282-9066

Second Point of Contact Email Address  
 fstensrud@hawthornacademy.org

Business Administrator Name  
 Chantal Wixon

Business Administrator Position  
 Business Administrator

Business Administrator Telephone no.  
 (801) 444-9378

Business Administrator Email Address  
 chantel.wixon@academicwest.com

Three-Year Plan Requirements

1. Measurable Goals, Metrics, and Outcomes

Provide a three-year plan for your LEA's measurable goals, metrics, and outcomes approved by your LEA's governing board on improving student engagement, school culture, student safety, and/or academic achievement. (2 goals required)

See the Goal Writing Guidance Document for tips on writing a S.M.A.R.T. (specific, measurable, attainable, realistic, and timebound) goal.

Your goal must include these three elements:

- 1: Who is being served (what student population).
- 2: What is being achieved, which must be measurable.
- 3: By what time will the goal be achieved.

Example: ABC School district will increase the attendance rates of chronically absent students by 5% by the end of the 2026-2027 school year.

(See Sample Here)





**Mental Health Support Goal #1 (category):**  
Student safety

Goal #1 (spanning three-year grant cycle):

Increase direct counseling services time to students by 7 percent each school year.

Baseline data (data collected prior year(s)):

The percentage of students receiving direct counseling services was 52 percent in FY 23. The percentage of students receiving direct counseling services will be at least 59%.

Projected Target Data for Next School Year

2024-2025: The percentage of students receiving direct counseling services will be at least 66%.

Identify the type(s) of qualifying personnel and/or contracted services funded through this grant that will support this goal. Select all that apply.  
School Counselor

Describe how the qualifying personnel and/or contracted services funded through this grant will support this goal:

Counselors will meet with students in person and during groups and also in classrooms. Individual goals are set with students to help them achieve being in school every day and taking breaks during class time to prepare themselves mentally to continue with school.

If applicable, describe how the behavioral health support personnel, under the direct supervision of a qualifying personnel, funded through this grant will support this goal (if not applicable, write N/A).  
N/A

**Mental Health Support Goal #2 (category):**  
Academic achievement

Goal #2 (spanning three-year grant cycle):

Decrease the percentage of low achievement scores of students in grades 7-9 by at least 4% each school year.

Baseline data (data collected prior year(s)):

An average of 16% of students in grades 7-9 received a 1.0 or D average grade or lower during the 22-23 school year.

Projected Target Data for Next School Year

End of FY25 Target: The percentage of students receiving a 1.0 or D average grade in grades 7-9 will decrease to 8%.

Identify the type(s) of qualifying personnel and/or contracted services funded through this grant that will support this goal. Select all that apply.  
School Counselor

Describe how the qualifying personnel and/or contracted services funded through this grant will support this goal:

With a focus on anxiety, students were taught coping skills and ways to work through anxiety to improve overall academic achievement. Counselors also worked on helping students build community through Houses and being involved with students in organizing activities and encouraging a feeling of belonging.

If applicable, describe how the behavioral health support personnel, under the direct supervision of a qualifying personnel, funded through this grant will support this goal (if not applicable, write N/A).  
N/A

**Mental Health Support Goal #3 (category):**

Goal #3 (spanning three-year grant cycle):

Baseline data (data collected prior year(s)):

Projected Target Data for Next School Year

Identify the type(s) of qualifying personnel and/or contracted services funded through this grant that will support this goal. Select all that apply.

Describe how the qualifying personnel and/or contracted services funded through this grant will support this goal:





If applicable, describe how the behavioral health support personnel, under the direct supervision of a qualifying personnel, funded through this grant will support this goal (if not applicable, write N/A).

**2. Implementation Plan**

Part A: Does your LEA intend to collaborate on school-based mental health support with the local mental health authority (LMHA) of the county in which the LEA is located (Location Map)?

No

Does your collaboration include establishing a contract with the LMHA of the county in which the LEA is located?

No

If you answered "Yes" to either of the Part A boxes, please provide the information below.

Name of the local mental health authority:

Name for primary point of contact at the local mental health authority:

Email for primary point of contact at the local mental health authority:

List of intended school-based mental health services:

If "Yes" to either of the above, attach a letter of support, in the Attachments section of the Utah Grants Management System, from the local mental health authority of the county in which the LEA is located.

**Finances**

**Finances**

1. Funding Request  
 Granted funds can only be used for targeted school-based mental health support, including clinical services and trauma-informed care, through employing (salary and benefits) and/or entering into contracts for services provided by qualifying personnel and/or employing behavioral health support personnel. Grant funds cannot replace previously allocated monies to employ or contract qualifying personnel or behavioral health support personnel. Grant recipients will be awarded an allocation for up to three years of the qualifying grant.

NOTE: The distribution of these funds are awarded in the Utah Grants Management System through reimbursement with the unrestricted indirect cost rate applied.

\*Budget updates from your LEA will be required at the beginning of each fiscal year based on the fiscal projections for that fiscal year

Part A: Requested Award (Request up to the full amount designated in the Fiscal Projection document. See application overview for projection amount.)

Next School Year

\$67,113.68

Part B: Additional Funding

If you are planning to collaborate with the local mental health authority (LMHA) in which your LEA is located, would you be interested in receiving an additional allocation (funds) for the next school year? This is ONLY available for LEAs who collaborate with the LMHA as indicated in Part A of your Implementation plan.

No

\*Notification of an available allocation will be sent following the close of the application cycle. This additional allocation will be available by October 1st and is considered one-time funds.

**Assurance**

**Assurance**







## UTAH grants

1. Each year the LEA will submit the Qualifying Personnel & Contracts Survey, including the required information for all qualifying personnel, contracted services, and behavioral health support personnel for which the LEA is utilizing this grant funding.
2. The LEA will submit the Accountability and Data Report by July 19th.
3. The LEA will comply with 53G-9-203, for training all school personnel on advising educators against practicing medicine, giving a diagnosis, or providing treatment.
4. The LEA will comply with 53E-9-203, to obtain parental consent for all services provided.
5. The LEA will comply with 53F-2-415 and R277-622 to ensure behavioral health support personnel funded with this grant are supervised by a qualifying personnel and receive the required training.

By submitting this application through the Utah Grants Management System, I do hereby certify that all assurances listed above, and all committed resources to this program, will be provided for the implementation of systemic school-based mental health programs for at least three (3) years. Submission of this document signifies that all relevant parties have reviewed and approved this proposal.





# 12 Responsibilities of a Charter School Board Member

Boards that govern for greatness understand management's role is to execute, and the board's role is to ensure. Be proactive, ask wise questions and focus on what truly matters. Ensuring your board fulfills these 12 responsibilities will help advance your school towards greatness.

- 1. ENSURE** all students are being prepared for success in college, work and life.
- 2. ENSURE** the public's money and resources are well stewarded.
- 3. ENSURE** the school is run by a great leader and infused with a positive culture and learning environment.
- 4. ENSURE** the terms of the charter contract are fulfilled and the organization is prepared for renewal. *Utah is an Evergreen state. Charter's aren't renewed.*
- 5. ENSURE** the school is true to its mission, vision and values.
- 6. ENSURE** *Set by director* goals are clear and people and programs are wisely empowered, supported, evaluated and held accountable.
- 7. ENSURE** the school operates legally and ethically.
- 8. ENSURE** the school continuously improves and stays viable.
- 9. ENSURE** the board recruits, orients and develops its members and its capacity to govern.
- 10. ENSURE** the board adopts and properly maintains its governing policies.
- 11. ENSURE** the board speaks with one voice.
- 12. ENSURE** the board and its members are positive ambassadors for your school and the charter idea!



## Student-Focused Governance

Great boards have high expectations and govern wisely. They know the difference between governance and management. They build relationships of mutual trust and respect. They understand how to unify people around a shared vision. And they foster excellence by setting clear goals, evaluating performance, and encouraging the heart.

Great board members understand governance is both an art and a science. It requires the art of knowing how to effectively communicate with people and understanding the importance of the old adage that "Nobody cares how much you know, until they know how much you care." It also requires the science of knowing how to effectively ensure that your school is delivering on its mission to educate students and deliver on the board's fiduciary duty to be a good steward of public funds.

As a board, you can have a profound impact on the lives of students and families. Beyond strong governance and oversight of the school, you can play an integral role in building relationships and connections for the betterment of students.

Internal – Strong Board Governance		
Additional Reference: "12 Responsibilities of a Charter School Board"		
Area of Focus	How are we doing? (Rate 1-5, 1=low 5=high)	Action
Strong Leadership and Team		
Oversee Charter – Fiduciary Duty		
Preserve the Charter – Monitor Authorizer Expectations		
Excellence – Ensure <u>Strong Goals</u> and Monitor – Academic, Financial, Organizational	— are set by director	

External – Board Members as Ambassadors		
Area of Focus	How are we doing? (Rate 1-5, 1=low 5=high)	Action
Be Present in the School Community – <u>School</u> and Events	— This gets into management.	
Community Partnerships	— Under direction of director	
Fundraising	— Management	
Programmatic Support	— management	
Policy: Local, State, National		
Authorizer Relationship		

# Hawthorn Academy Statement of Activities

Created on August 01, 2024  
For Prior Month

	Annual June 30, 2025 Budget	Year-to-Date July 31, 2024 Actual	% of Budget
<b>Net Income</b>			
Income			
Revenue From Local Sources	531,500	96,133	18.1 %
Revenue From State Sources	15,668,417	1,567,046	10.0 %
Revenue From Federal Sources	484,173	0	0.0 %
<b>Total Income</b>	<b>16,684,090</b>	<b>1,663,179</b>	<b>10.0 %</b>
Expenses			
Instruction/Salaries	8,897,599	67,170	0.8 %
Employee Benefits	2,414,279	69,886	2.9 %
Purchased Prof & Tech Serv			
0320 - Professional - Educational Services	486,259	0	0.0 %
0330 - Professional Employee Training and Development	46,797	53	0.1 %
0340 - Other Professional Services	100,000	3,815	3.8 %
0345 - Business Services	580,000	92,208	15.9 %
0350 - Technical Services	73,173	300	0.4 %
<b>Total Purchased Professional &amp; Technical Services</b>	<b>1,286,229</b>	<b>96,376</b>	<b>7.5 %</b>
Purchased Property Services			
0410 - Utility Services	48,500	5,217	10.8 %
0423 - Custodial Services	20,000	2,300	11.5 %
0424 - Lawn Care Services	56,453	5,125	9.1 %
0430 - Repairs & Maintenance Services	54,323	3,192	5.9 %
0442 - Rental of Equipment & Vehicles	3,690	0	0.0 %
0450 - Construction Services	50,000	0	0.0 %
0490 - Other Purchased Property Services	10,000	0	0.0 %
<b>Total Purchased Property Services</b>	<b>242,966</b>	<b>15,834</b>	<b>6.5 %</b>
Other Purchased Services			
0513 - Student Transportation Services - Commercial	14,575	0	0.0 %
0517 - Student Overnight Trips/Field Trips	85,000	0	0.0 %
0518 - Student Day Trips/Field Trips (includes Admission Charges)	9,919	0	0.0 %
0521 - Property Insurance	56,000	59,189	105.7 %
0522 - Liability Insurance	2,500	3,867	154.7 %
0530 - Communication (Telephone & Other)	21,345	1,325	6.2 %
0540 - Advertising	13,479	0	0.0 %
0580 - Travel/Per Diem	84,831	7,470	8.8 %
<b>Total Other Purchased Services</b>	<b>287,649</b>	<b>71,851</b>	<b>25.0 %</b>
Supplies & Materials			
0610 - General Supplies	270,157	29,154	10.8 %
0610-001 - Furniture and Fixtures (not capitalized)	30,000	849	2.8 %
0621 - Natural Gas	39,473	187	0.5 %
0622 - Electricity	94,327	6,882	7.3 %
0630 - Food	294,565	0	0.0 %
0641 - Textbooks	27,999	68	0.2 %
0642 - E-Textbooks / Online Curriculum	65,841	20,874	31.7 %
0644 - Library Books	5,000	0	0.0 %
0650 - Supplies - Technology Related	126,252	201	0.2 %
0670 - Software	100,064	5,942	5.9 %
0680 - Maintenance Supplies and Materials	47,637	1,026	2.2 %
<b>Total Supplies &amp; Materials</b>	<b>1,101,315</b>	<b>65,183</b>	<b>5.9 %</b>
Property			
0730 - Equipment	119,250	0	0.0 %
0733 - Capitalized Furniture and Fixtures	100,000	0	0.0 %
0734 - Technology Related Hardware	16,000	0	0.0 %
0736 - Technology Software	10,000	0	0.0 %

# Hawthorn Academy Statement of Activities

Created on August 01, 2024  
For Prior Month

	Annual June 30, 2025 Budget	Year-to-Date July 31, 2024 Actual	% of Budget
Total Property	245,250	0	0.0 %
Debt Services & Miscellaneous			
0810 - Dues and Fees	108,529	52,296	48.2 %
0830 - Interest	1,181,942	0	0.0 %
0840 - Redemption of Principal	630,000	0	0.0 %
Total Debt Services & Miscellaneous	1,920,471	52,296	2.7 %
Total Expenses	16,395,758	438,596	2.7 %
<b>Total Net Income</b>	<b>288,332</b>	<b>1,224,583</b>	<b>424.7 %</b>

**Hawthorn Academy**  
**Statement of Financial Position**  
**Created on August 01, 2024**  
**For Prior Month**

	<b>Period Ending</b> <b>07/31/2024</b>	<b>Period Ending</b> <b>07/31/2023</b>
	<u>Actual</u>	<u>Actual</u>
<b>Assets &amp; Other Debits</b>		
Current Assets		
Operating Cash		
Cash		
8111-08F-001 - Hawthorn ZB OP	1,698,398	2,339,739
8112-08F-001 - HAWTHORN ZB PETTY	819	1,878
Total Cash	<u>1,699,217</u>	<u>2,341,617</u>
Investments		
8120-08F-001 - PTIF - HA	12,686,857	10,414,092
8120-08F-002 - HA PTIF - Restricted	3,574,079	4,017,914
Total Investments	<u>16,260,936</u>	<u>14,432,006</u>
Operating Cash	<u>17,960,153</u>	<u>16,773,623</u>
Accounts Receivables	17,522	46,257
Total Current Assets	<u>17,977,675</u>	<u>16,819,880</u>
Restricted Cash	<u>4,634,816</u>	<u>4,550,152</u>
Net Assets		
Fixed Assets	29,074,695	28,508,680
Depreciation	(6,147,958)	(5,351,869)
Total Net Assets	<u>22,926,737</u>	<u>23,156,811</u>
<b>Total Assets &amp; Other Debits</b>	<b><u>45,539,228</u></b>	<b><u>44,526,843</u></b>
<b>Liabilities &amp; Fund Equity</b>		
Current Liabilities	3,702,262	610,189
Long-Term Liabilities	26,291,017	26,985,015
Fund Balance	14,321,365	15,836,914
Net Income	1,224,584	1,094,725
<b>Total Liabilities &amp; Fund Equity</b>	<b><u>45,539,228</u></b>	<b><u>44,526,843</u></b>

# Hawthorn Academy

## Board of Directors Meeting

**Date:** Aug 21, 2024

**Anchor Location:** 1437 W. 11400 S. South Jordan, UT 84095

This meeting of the board of directors was held electronically.

**In Attendance:** Heidi Scott, Tammi Wright, Janielle Edwards, Jamie Dickinson, Tori Williams, Donald McNeil

**Excused:** Meggen Pettit

**Others In Attendance:** Floyd Stensrud, Chantel Wixon, Alicia Ady, Stacey Phillips, Mandy Kartchner, Royce Van Tassell



## MINUTES

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### CALL TO ORDER

At 9:32 am Tammi Wright called the meeting to order.

### PUBLIC COMMENT

- School Resource Officer Policy  
This was the required comment period for the School Resource Officer Policy. There was no public comment.

### CONSENT ITEMS

- June 17, 2024, Board Meeting Minutes  
*Heidi Scott made a motion to approve the June 17, 2024, Board Meeting Minutes. Jamie Dickinson seconded the motion. Motion passed unanimously. Votes were as follows: Heidi Scott, Aye; Janielle Edwards, Aye; Jamie Dickinson, Aye; Tori Williams, Aye; Donald McNeil, Aye; Tammi Wright, Aye.*

### VOTING AND DISCUSSION ITEMS

- Early Learning Plan  
Floyd Stensrud explained the Early Learning Plan and the goals associated with it. This plan was pre-approved by the state. The goals include math and literacy goals, and the evidence-based strategies that the school will implement. The local goals are addressing gaps in math and literacy. He discussed each of the goals in depth and the curriculum used to help achieve those goals.  
*Tori Williams made a motion to approve the Early Learning Plan. Jamie Dickinson seconded the motion. Motion passed unanimously. Votes were as follows: Heidi Scott, Aye; Janielle Edwards, Aye; Jamie Dickinson, Aye; Tori Williams, Aye; Donald McNeil, Aye; Tammi Wright, Aye.*
- Imagine Learning Invoice  
Floyd Stensrud discussed the need to approve the Imagine Learning Invoice. This is a curriculum renewal for existing curriculum. Tammi Wright asked what enrollment numbers the invoice is based on. Floyd Stensrud reported that the invoice is for 1430 students. Right now, enrollment at the school is sitting at 1400. They anticipate this will drop a little bit. Tori

Williams asked about the timeframe of the invoice.

*Tori Williams made a motion to approve the Imagine Learning Invoice as presented. Donald McNeil seconded the motion. Motion passed unanimously. Votes were as follows: Heidi Scott, Aye; Janielle Edwards, Aye; Jamie Dickinson, Aye; Tori Williams, Aye; Donald McNeil, Aye; Tammi Wright, Aye.*

○ Policies:

- Amended Selection, Approval and Purchase of Instructional Materials Policy
- Amended Parent and Family Engagement Policy
- Kindergarten Toilet Training Policy
- School Resource Officer Policy

The board reviewed the above policies. They discussed the need to Amend the Selection, Approval and Purchase of instructional Materials Policy and the Parent and Family Engagement Policy. Royce Van Tassell discussed the changes in the Instructional Materials Policy. Floyd Stensrud discussed the updates to the Parent and Family Engagement Policy. He discussed the need to approve this and the ways that parents are informed about this policy and title I. Tammi Wright asked if the Compact should say “Parent Teacher Conferences” or “Student Led Conferences”. Floyd Stensrud confirmed that the school has “Student Led Conferences” and will correct the Parent and Family Engagement Policy to reflect this. The board also discussed the need to approve the new Kindergarten Toilet Training Policy and the School Resource Officer Policy.

○ School Resource Officer Agreement

The board reviewed the School Resource Officer Agreement with the local Police Department. Floyd Stensrud discussed the new School Resource Officer that will be present at the school and the benefits of having a School Resource Officer. He also discussed some of the trainings that the police force provides for things like students with Autism and other issues that might arise within the school. Jamie Dickinson asked about the billing of the School Resource Officer Salary. The salary will be covered by the School Safety Grant. Royce Van Tassell asked if the SRO will be on campus all days that school is in session. Floyd Stensrud discussed that sometimes the officer has meetings that will take them away from campus, but otherwise will be present at the West Jordan Campus. Those times will be few and far between. Stacey Phillips discussed how this will not fulfill the law for a school guardian. The school will still be required to have a school guardian for the times when the SRO is not present on campus. If school is in session, the school is required to have a school guardian on campus. They discussed how it is the school’s responsibility to make sure there is a guardian or SRO at the school at all times. Donald McNeil asked if the school will be required to provide an office space for the School Resource Officer. Floyd Stensrud discussed that he has given his office to the SRO and will share an office with other Administration at the West Campus for the time being.

*Tori Williams made a motion to approve the Amended Selection, Approval and Purchase of Instructional Materials Policy, the Amended Parent and Family Engagement Policy with edits as discussed, the Kindergarten Toilet Training Policy, and the School Resource Officer Policy as presented. Jamie Dickinson seconded the motion. Motion passed unanimously. Votes were as*



follows: Heidi Scott, Aye; Janielle Edwards, Aye; Jamie Dickinson, Aye; Tori Williams, Aye; Donald McNeil, Aye; Tammi Wright, Aye.

Jamie Dickinson made a motion to approve the School Resource Officer Agreement as discussed. Janielle Edwards seconded the motion. Motion passed unanimously. Votes were as follows: Heidi Scott, Aye; Janielle Edwards, Aye; Jamie Dickinson, Aye; Tori Williams, Aye; Donald McNeil, Aye; Tammi Wright, Aye.

**CLOSED SESSION--** to discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(l)(a).

At 10:14 AM Tori Williams made a motion to move into closed session, located at the Hawthorn Academy South Jordan location. to discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(l)(a). Jamie Dickinson seconded the motion. Votes were as follows: Heidi Scott, Aye; Janielle Edwards, Aye; Jamie Dickinson, Aye; Tori Williams, Aye; Donald McNeil, Aye; Tammi Wright, Aye. The motion passed unanimously.

At 10:59 am Jamie Dickinson made a motion to move out of closed session. Donald McNeil seconded the motion. Motion passed unanimously. Votes were as follows: Heidi Scott, Aye; Janielle Edwards, Aye; Jamie Dickinson, Aye; Tori Williams, Aye; Donald McNeil, Aye; Tammi Wright, Aye.

#### **CALENDARING**

- Next Meeting September 11, 2024, West Jordan Campus Library  
The board discussed needing to potentially add a meeting at the end of Sept for the approval of LEA licenses.

#### **ADJOURN**

At 11:04am Jamie Dickinson made a motion to adjourn. Janielle Edwards seconded the motion. Motion passed unanimously. Votes were as follows: Meggen Pettit, Aye; Jamie Dickinson, Aye; Heidi Scott, Aye; Brooke Lara, Aye; Amy Tatton, Aye; Janielle Edwards, Aye.

**Hawthorn Academy  
Closed Session Statement**

**Meeting Date:**

**Location:** 1437 W. 11400 S.  
South Jordan, UT 84095



**CLOSED SESSION SWORN STATEMENT:**

At a duly noticed public meeting held on the date listed above, the board of directors for Hawthorn Academy entered into a closed session for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual in accordance with Utah Code Ann. 52-4-2(1)(a).

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 21st day of August, 2024, at 1743 W 11400 S South Jordan, Utah.

  
08/21/2024 16:02 MDT

Tammi Wright, Board Chair

## SY24-25 LEA-S(pecific) Requests Effective 8/2021, the following are NOT allowed for LEA-S: Audiologist, Deaf Education, Preschool Special Ed., School Psychologist, School Social Worker, Special Ed (K-12), Speech Language Pathologist, Speech Li

LEA (District or Charter)	Date LEA's Board Met	CACTUS ID	Last Name	First Name	Is this a RENEWAL Request from SY23-24? (Y/N)	Area 1 License	Endorsement 1	Endorsement 2	Endorsement 3	Rational/Motions	Is Educator's Assignment in CACTUS? (Y/N)	Has LEA Specific tab in CACTUS been completed? (Y/N)	Does Educator Have a current BACKGROUND check? (Y/N)	Does Educator Have a current ETHICS check? (Y/N)
<b>Granite SD</b>	<b>1/5/21</b>	<b>999999</b>	<b>Example</b>	<b>Educator</b>	<b>N</b>	<b>Secondary</b>	<b>Math Level 3</b>	<b>Chemistry</b>		<b>Educator is enrolling in EPP Fall 2021</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>	<b>Y</b>
Hawthorn Academy	9/11/24	769644	Bateman	Carlie	Y	Secondary	Dance (K-12)	Language Arts		Didn't complete the APPEL program in time,	Y		Y	Y
Hawthorn Academy	9/11/24	583651	Crisanto	Benjamin	N		Technology			Hawthorn Academy is becoming a stronger S	Y		Y	Y
Hawthorn Academy	9/11/24	547538	George	Alisha	Y		Reading			Alisha is looking into getting her Masters.	Y		Y	Y
Hawthorn Academy	9/11/24	759727	Layden	Michael	N		Technology			Hawthorn Academy will be adding more STEN	Y		Y	Y



## Policy Summaries

### Amending Attendance Policy and/or Procedures (for schools with junior high and/or high school students)

HB 362 from the 2024 legislative session reinstated requirements for schools to refer students in 7<sup>th</sup> grade and above who are habitually truant. Schools are now required to refer such students to an evidence-based alternative intervention, and if the student refuses to participate in such an intervention, to prevention and early intervention youth services by the Division of Juvenile Justice and Youth Services. Additionally, if a student is habitually truant at least twice during the school year and was previously referred to an evidenced-based alternative intervention or for prevention and early intervention youth services for those two habitual trancies, the student may then be referred to law enforcement or a court. These changes brought about by HB 362 have been added to the school's Attendance Policy and/or Procedures.

HB 362 also modified the definition of habitual truant, changing it from meaning a student is truant 10 times during a school year to 20 days during a school year. This, along with a few other stylistic changes, has been incorporated into the school's Attendance Policy and/or Procedures.

### Amending Background Check Policy and/or Procedures

HB 121 from the 2024 legislative session prohibits schools from having the following pay for background check fees and fingerprinting fees: volunteers, non-licensed employees, contract employees, and substitutes. The proposed revisions to the school's Background Check Policy and/or Procedures reflect this change.

Note: this new law does not apply to licensed employees. So, the school may choose to have licensed employees pay for their background check fees and fingerprinting fees.

### Amending Electronic Meetings Policy

HB 36 from the 2024 legislative session changed the Utah Open and Public Meetings Act such that public boards are no longer required to provide an anchor location for a public board meeting if all board members attend the board meeting electronically and the board has not received a written request at least 12 hours before the scheduling meeting time to provide an anchor location. HB 36 also modified definitions in the Utah Open and Public Meetings Act, including the definition of "anchor location" and "electronic meeting." The proposed revisions to the school's Electronic Meetings Policy are intended to make the policy consistent with these changes to the law.



### Amending Student Conduct and Procedures

### Discipline Policy and/or

A number of bills from the 2024 legislative session (HB 14, 362, and 418) necessitate the school amending its Student Conduct and Discipline Policy and/or Procedures. 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 Policy and/or Procedures.

### Amending Selection, Approval, and Purchase of Instructional Materials Policy

The reference to “international baccalaureate program” was taken out of this policy.

**Hawthorn Academy**  
**Policy: Attendance Policy**  
**Adopted: September 8, 2021**  
**Amended: October 11, 2023**



**Policy**

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

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

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

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

**Review**

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

## **Administrative Procedures Attendance Procedures**

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

### **Definitions**

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

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

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

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

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 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.

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**“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 the School’s Attendance Policy or these procedures 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.

Excused absences may become unexcused if the Principal determines that absences have reached an excessive level and are adversely impacting the student’s education.

**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 timeframe 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 4<sup>th</sup> 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)**

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

This notice shall:

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

If School personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent/guardian has failed to make a good faith effort to ensure that the school-age child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services the information required by Utah Code § 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.

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.

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- [Making habitual truancy referrals, as appropriate and as outlined herein.](#)
- Providing parents/guardians 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 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; and
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)

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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.

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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.

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### **Appeals Process**

Parents/guardians who believe that all or part of their student's absences and/or tardies should be considered excused, or if they want to contest a notice of 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.

**Hawthorn Academy**  
**Policy: Background Check Policy**  
**Adopted: May 11, 2016**  
**Amended:**



**Policy**

The purpose of this policy is to protect the safety, health and security of Hawthorn Academy (the "School") students, employees, and property.

The School will comply with the provisions of Utah Code § 53G-11-401 *et seq.* and Utah Administrative Code R277-316 regarding employee background checks. In order to protect the health and safety of all students and protect the property of the School, the School requires (a) all Board members, (b) all potential employees and (c) any volunteers who will be given significant unsupervised access to a student in connection with the volunteer's assignment to submit to a criminal background check and ongoing monitoring as a condition for employment or appointment.

The Lead Director will establish administrative procedures consistent with this policy and applicable law.

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## Administrative Procedures Background Check Procedures

These procedures are established pursuant to the Background Check Policy established by the School's Board of Directors.

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### Individuals Subject to Background Checks

The School requires that the following individuals submit to a criminal background check and ongoing monitoring as provided in Utah Code § 53G-11-402 as a condition for employment or appointment: (a) each employee who is not licensed by the Utah State Board of Education ("USBE"), including substitute teachers; (b) each volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment; (c) each contract employee; and (d) each Board Member.

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Additionally, each employee who is licensed by the USBE must obtain a background check and submit to ongoing monitoring as required in connection with USBE's licensure requirements.

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### Conducting the Background Check

Any person submitting to a background check for the School will sign a consent and waiver notifying the individual (a) that a criminal background check will be conducted, (b) who will see the information received as a result of the background check, and (c) how that information will be used.

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By September 1, 2018, the School will collect the information described below from individual who were employed by the School prior to July 1, 2015, and with whom the School maintains an authorizing relationship and submit that information to the Utah Bureau of Criminal Identification for ongoing monitoring. ¶

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The School will collect the following from an individual required to submit to a background check for the School:

- (a) personal identifying information, including but not limited to:
  - (i) current name, former names, nicknames, and aliases;
  - (ii) date of birth,
  - (iii) address,
  - (iv) telephone number,
  - (v) driver license number or other government-issued identification number,
  - (vi) social security number, and
  - (vii) fingerprints;
- (b) a fee, subject to the "Payment of Fees for Background Check" section, set forth below; and
- (c) consent and waiver on a form specified by the School for the:
  - (i) initial fingerprint-based background check by the FBI and the Utah Bureau of Criminal Identification; and
  - (ii) retention of personal identifying information for ongoing monitoring by the School through registration with the systems described in Utah Code § 53G-11-404.

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The School will then submit such individuals' personal identifying information, including fingerprints, to the Utah Bureau of Criminal Identification for (a) an initial fingerprint-based background check and (b) ongoing monitoring (if the results of the initial criminal background check do not contain disqualifying criminal history information as determined by the School).

#### Payment of Fees for Background Check

The School shall pay the background check fee and fingerprinting fee for non-licensed and contract employees of the School, including substitutes, and for volunteers and Board Members of the School.

#### Background Check Evaluation

When making decisions regarding employment or appointment based on the information received from a criminal background check, the School will consider:

- (a) any convictions, including pleas in abeyance;
- (b) any matters involving a felony; and
- (c) any matters involving an alleged:
  - (i) sexual offense;
  - (ii) class A misdemeanor drug offense;
  - (iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person;
  - (iv) class A misdemeanor property offense that is alleged to have occurred within the previous three years; and
  - (v) any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years.

Only those convictions which are job-related for the employee, applicant, or volunteer will be considered by the School.

#### Opportunity to Respond to Background Check

The School will provide an individual an opportunity to review and respond to any criminal history information received as a result of submitting for a criminal background check or through ongoing monitoring.

If a person is denied employment or appointment or is dismissed from employment or appointment because of information obtained through a criminal background check or ongoing monitoring, the person may request a review of the information received and the reasons for the disqualification and shall be provided written notice of the reasons for denial or dismissal and of the individual's right to request a review of the disqualification.

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The School will request that the fingerprints taken for the purpose of conducting criminal background checks be registered with any rap back system maintained to provide ongoing status notifications to the School of any criminal history reported on individuals whose fingerprints are registered in the system.

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Confidentiality

Information received by the School as a result of a background check will only be (a) available to individuals involved in the hiring or background investigation process for that individual and (b) used for the purpose of assisting the School in making employment-related decisions. Any person who disseminates or uses any such information for any other purpose is subject to criminal penalties and civil liability as set forth in applicable law.

Privacy Risk Mitigation Strategy

The School will employ reasonable privacy risk mitigation strategies to ensure that the School only receives notifications for individuals with whom the School maintains an authorizing relationship. Specifically, the School shall terminate ongoing monitoring for employees upon the termination their employment with the School and for Board Members upon their resignation from the Board or upon the expiration of their Board member term without renewal, unless good cause exists to maintain ongoing monitoring for such individuals (such as if they request and are approved to continue on at the School in the capacity of a volunteer).

With respect to non-Board Member volunteers, the School shall maintain a list of volunteers who are registered for ongoing monitoring, periodically consult with relevant School personnel to determine whether such individuals are still volunteering for the School, and ensure that ongoing monitoring for such individuals is terminated when appropriate. In addition, the School shall (a) upon receiving notification of criminal activity, review the current status of the individual in relation the School and (b) decline to accept and review the detail of the notification if the individual named is no longer employed or authorized to volunteer by the School.

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**Purpose**

The purpose of this policy is to establish the means and procedures by which the Board of Directors (the "Board") may conduct electronic meetings in accordance with the provisions of the Utah Open and Public Meetings Act (the "Act"), including Utah Code Ann. § 52-4-207.

**Policy**

**Definitions**

The Board adopts for application in this policy the definitions in the Act at § 52-4-103.

**Electronic Meetings**

The Board may, from time to time as needed, convene and conduct electronic meetings. For the purpose of this policy, an "electronic meeting" is defined as a Board meeting that some or all Board members attend through an electronic video, audio, or both video and audio connection, as provided in the Act at § 52-4-207.

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The Board will establish one or more anchor locations for an electronic meeting, unless the following two circumstances exist:

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a. All Board members attend the electronic meeting remotely through an electronic video, audio, or both video and audio connection; and

b. The Board has not received a written request, at least 12 hours before the scheduled meeting time, to provide an anchor location for members of the public to attend in person the open portions of the electronic meeting.

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For an electronic meeting where the Board provides an anchor location, the following apply:

a. The anchor location will be:

i. The building where the Board would normally meet if they were not holding an electronic meeting; or

ii. Another location that is reasonably as accessible to the public as the building described in subsection (i) above.

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b. The Board will provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the electronic meeting.

c. If public comments will be accepted during the electronic meeting, the Board will provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

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Board members who are able to both hear and verbally participate in the meeting electronically are considered present for purposes of determining the presence of a quorum at an electronic meeting.

The Board shall take all votes by roll call during an electronic meeting, with the exception of a unanimous vote.

**Notice**

Prior to conducting an electronic meeting, the Board shall provide advance notice of the meeting in accordance with the Act.

Notice shall be provided to all Board members, as well as to members of the public in accordance with the provisions of the Act.

Each notice shall describe the means of communication by which members will be connected to the electronic meeting and, if applicable, the anchor location.

**Hawthorn Academy**  
**Policy: Instructional Materials Policy**  
**Approved: March 8, 2023**  
**Amended: November 8, 2023**  
**Amended: August 21, 2024**



**Purpose**

The purpose of this policy is to establish the parameters by which Hawthorn 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 another class with required instructional material that is not subject to selection by the School.

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"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

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- (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, 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, 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.

### Criteria for Instructional Materials

Instructional materials should contribute to the intellectual development and positive character of students. Instructional materials used by the School shall:

- (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.

### Selection and Approval of Instructional Materials by the Lead Director

The Board of Directors (the "Board") delegates to the School Lead Director 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 Lead Director shall select and approve instructional materials that meet the criteria set forth in this policy. When considering instructional materials, the Lead Director may review the USBE's recommended instructional materials (RIMs), but the Lead Director is not required to select RIMs if there are other instructional materials available that meet the criteria set forth in this policy.

The Lead Director shall involve School community parents and instructional staff in the consideration of instructional materials. The Lead Director 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:

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- (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(13), 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 Lead Director is selecting and approving instructional materials (which Utah Code § 53G-5-404(13) refers to as “learning material”). In addition, 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 Lead Director 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 Lead Director 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 Lead Director 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.

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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 Lead Director 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.

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## **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 Lead Director or Campus Principal shall designate two or more School employees to make this initial determination for the School (the Lead Director or Campus Principal can be one of the two employees if he/she desires); and
- (ii) If the School's initial determination is 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 Lead Director or Campus 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:

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- (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 Lead Director or Campus 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 Lead Director or Campus 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 rationale for its decision; and

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- (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.

Board Approved: 08.21.2024

## Sensitive Material Review Request Form

### Information about Instructional Material Requested to be Reviewed:

- 1) Title:
- 2) Author:
- 3) Publisher:
- 4) School campus where this instructional material is used or can be accessed:
- 5) 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 Hawthorn Academy? Yes No
- 6) Are you a parent of a student of Hawthorn Academy? Yes No
- 7) Are you an employee of Hawthorn Academy? Yes No
- 8) Are you a board member of Hawthorn 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

Board Approved: 08.21.2024

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 Hawthorn Academy?                      Yes    No
- 7) Are you a parent of a student of Hawthorn Academy?        Yes    No
- 8) Are you an employee of Hawthorn Academy?                Yes    No
- 9) Are you a board member of Hawthorn Academy?            Yes    No

Information about Challenged Instructional Material:

- 1) Title:
- 2) Author:
- 3) Publisher:
- 4) School campus where this instructional material is used or can be accessed:
- 5) 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.*

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## 1. PURPOSE, BELIEFS, AND PHILOSOPHY

### 1.1 Purpose

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

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

The School will promote and require:

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

### 1.2 Beliefs and Expectations

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

#### Beliefs:

- Punishment alone will not change behavior
- 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

### 1.3 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:

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**Procedures:**

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

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

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

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

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

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

**Due process to protect the rights of students will include:**

- All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the process.
- Parents will be notified when students are involved in situations that are deemed to be serious.
- Parents and students will be notified of the expectations, possible consequences, and the procedures involved in this policy at the beginning of each school year.

**2. ENVIRONMENT**

**2.1 Safe School Environment**

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

**2.2 Discrimination Prohibited**

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

### 3. DEFINITIONS

#### 3.1 Suspension

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

#### 3.2 Expulsion

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

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

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

#### 3.4 Disruptive Student Behavior

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

#### 3.5 Parent

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

#### 3.6 Qualifying Minor

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

#### 3.7 School Year

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

#### 3.8 Campus Director

For purposes of this policy, "Campus Director" is synonymous with Campus Principal.

### 3.9 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.

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

### 4.1 Suspension

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

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

[c] behavior or threatened behavior that poses an immediate and significant threat to the welfare, safety, or morals of other students or School personnel or to the operation of the School;

[d] possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah [Code Ann. § 32B-1-102](#);

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

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

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

[h] any criminal activity;

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

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

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

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

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

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(ii) the actual use of violence or sexual misconduct, including but not limited to such violence or sexual misconduct related to hazing;

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(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;

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[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

[c] making a false report of an emergency at the School or another school under Utah Code Ann. § 76-9-202(2)(d).

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#### 4.2 Expulsion

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

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

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

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

[b] The CMT shall determine:

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

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

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

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

#### 4.3.2 Students with Disabilities under IDEA and Section 504

Whenever a student receiving special education and related services under the Individuals with

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Disabilities Education Act ("IDEA") or Section 504 of the Rehabilitation Act is determined to have carried a weapon to School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

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

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

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

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

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

**4.4.2 Students with Disabilities under Section 504**

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

**4.4.3 Drug Testing**

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

[b] Any student who has been suspended or expelled for a violation of Section 4.4 may be required to provide a clean drug test and evidence of completion of drug assessment and/or drug counseling programs as a condition of readmission to School. Testing and counseling required as a condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian.

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

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

**4.4.4 Students with Disabilities under IDEA**

Whenever a student receiving special education and related services under IDEA knowingly possesses

or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

#### 4.5 Gangs

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

##### 4.5.1 Gang Activity and Apparel Prohibited

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

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

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

[c] Soliciting others for membership in a gang;

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

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

[f] Committing any illegal act; or

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

##### 4.5.2 Confiscation of Gang Items

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

##### 4.5.3 Consultation with Law Enforcement Authorities

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

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

Bullying, cyber-bullying, harassment, hazing, and abusive conduct of students and employees are against federal law, state law, and School policy, and are not tolerated by the School. It is the School's intent to respond to school-related incidents by implementing prevention efforts where victims can be

identified and assessed, and perpetrators educated, in order to create a safer school that provide a positive learning environment.

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

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

**4.7 Possession or Use of Electronic Cigarette Products**

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

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

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

**5. AUTHORITY TO SUSPEND OR EXPEL**

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

The Campus Director and assistant director have the authority to suspend a regular education student for up to ten (10) school days. In considering whether to suspend a student, the Campus Director 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.

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

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

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

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

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

**5.3.1 Parental Responsibility**

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

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

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

#### **5.4 Authority to Institute Change of Placement for Student with Disabilities**

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

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

#### **6.1 Efforts to Resolve Disruptive Student Behavior Problems**

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

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

#### **6.2 Notice of Disruptive Student Behavior**

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

**6.2.2 Criteria for Issuing Notice.** The Campus Director will issue a "notice of disruptive student behavior" to a qualifying minor who:

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

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

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

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

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

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

### **6.3 Habitual Disruptive Student Behavior Notice**

**6.3.1 Criteria for Issuing Notice.** The Campus Director may issue a "habitual disruptive student behavior notice" to a qualifying minor who:

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

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

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

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

### **6.4 Responses to School-Based Behavior**

#### **6.4.1 Definitions.**

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

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

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

**6.4.2 Alternative School-Related Interventions.** The Board may establish or partner with a certified youth

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

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

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

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- (i) to an evidence-based alternative intervention, including:
  - (1) a mobile crisis outreach team;
  - (2) youth services center, as defined in § 80-5-102;
  - (3) a certified youth court, as defined in § 80-6-901, or comparable restorative justice program;
  - (4) an evidence-based alternative intervention created and developed by the School or other governmental entities as set forth in § 53G-8-211(3)(a)(v);
  - (5) a tobacco cessation or education program if the offense is a violation of § 76-10-105; or
  - (6) truancy mediation; or

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

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

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- (i) the minor allegedly committed an offense on School property on a previous occasion; and
- (ii) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection [a] above for the previous offense.

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

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

[e] If a minor is alleged to be a habitual truant, the minor may be referred to a law enforcement officer or agency or a court if:

(i) the minor was previously alleged of being a habitual truant at least twice during the same school year; and

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

[f] 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 Campus Director. After receiving such a notification, the Campus Director shall notify a law enforcement officer or agency if the Campus Director may refer the offense to a law enforcement officer or agency as explained above in this section. The Campus Director shall also notify the Lead Director as well as other School personnel if the Campus Director determines that other School personnel should be informed.

6.4.4 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.

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

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

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

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

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**7.2 Parental Attendance with Student – Utah Code Ann. § 53G-8-207(1)-(2).**

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

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

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

**8.1** The Campus Director shall notify the student's custodial parent or guardian of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent or guardian to meet with the Campus Director to review the suspension.

**8.2** The Campus Director shall also notify the non-custodial parent, if requested in writing, of the suspension.

**8.2.1** Section 8.2 does not apply to the portion of School records which would disclose any information protected under a court order.

**8.2.2** The custodial parent is responsible to provide the School a certified copy of any court order under subsection 8.2.1.

**8.3** The Campus Director shall document the charges, evidence, and action taken.

**8.4** The student shall be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.

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

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

**8.7** If, in the judgment of the Campus Director, notice is not possible because the student poses a danger to a person or property or an ongoing threat of disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and [informal conference](#) shall follow as soon as possible.

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

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

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## 9.2 Notice to Student and Parent/Guardian

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

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

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

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

9.2.4 a statement that, if a due process hearing is requested, the Board president will designate a hearing officer to conduct the hearing;

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

9.2.6 the mailing date of the notice; and

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

## 9.3 Hearing Procedures

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

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

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

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

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

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

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

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

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

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

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

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

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

**9.3.4 Hearing Rules**

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

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

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

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

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

**10. DUE PROCESS FOR CHANGE OF PLACEMENT OF STUDENTS 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 Utah State Board of Education Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

**10.1 Required Services**

**10.1.1 504 and ADA Students**

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

**10.1.2 IDEA**

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

If a student with a disability under IDEA has been removed from his or her current placement for more

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than ten (10) school days in the same school year, for the remainder of the removals the School shall provide services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's IEP.

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

A student's IEP team may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:

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

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

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

**10.3 Change of Placement Due to Student's Serious Misconduct**

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

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

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

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

**10.3.4** Determines that the interim alternative educational setting being recommended by School officials (1) has been selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP; and (2) includes services and modifications designed to address the behavior at issue so that it does not recur.

**10.4 Parental Notice**

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

**10.5 IEP Meetings for Manifestation Determination**

**10.5.1** Immediately, if possible, but in no case later than ten (10) school days after the date on which the

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decision is made to remove the student from the current placement, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

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

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

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

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

(ii) Observations of the student; and

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

[b] Then determines whether:

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

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

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

**10.5.5 Determination that Behavior was not Manifestation of Disability**

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

**10.5.6 Determination that Behavior was Manifestation of Disability**

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

**10.6 IEP Meetings for Functional Behavioral Assessments**

**10.6.1 Post-Discipline Functional Behavioral Assessments**

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

**10.6.2 Pre-Discipline Behavioral Intervention Plans**

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

**10.7 Placement During Appeals and Stay Put**

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

**10.7.2** If a student is placed in an interim alternative educational setting and School personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the student's placement prior to the interim alternative education setting), unless School officials succeed in getting an order through an expedited hearing as described in Section 10.3.

**11. ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN**

**11.1 Elements of Plan**

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

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

**11.1.2** effective instructional practices for teaching student expectations, including:

[a] self-discipline;

[b] citizenship;

[c] civic skills; and

[d] social emotional skills;

**11.1.3** systematic methods for reinforcement of expected behaviors;

**11.1.4** uniform and equitable methods for correction of student behavior;

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

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

**11.1.7** an ongoing staff development program related to development of:

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

**11.1.8** procedures for ongoing training of appropriate School personnel in:

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

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

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

**11.1.11** 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;

**11.1.12** 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;

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(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;

**11.1.13** direction for dealing with bullying and disruptive students;

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

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

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

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

**11.1.18** strategies to provide for necessary adult supervision;

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

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

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

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

[a] the role of law enforcement; and

[b] emergency medical services; and

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

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

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

**11.2 Plan Consistent with this Policy**

The administrative Student Conduct and Discipline Plan shall be consistent with this policy, including without limitation the provisions in Section 6 regarding notices of disruptive student behavior and the emergency safety intervention policies and procedures set forth in Section 17. It shall also be consistent with the School's Plan for Harassment and Discrimination Free Learning, which shall be developed by the School in accordance with § 53G-8-802 and R277-609.

**12. EXTRACURRICULAR ACTIVITIES**

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

**13. RE-ADMISSION OF EXPELLED STUDENTS AND DENIAL OF ADMISSION BASED ON PRIOR EXPULSION – Utah Code Ann. § 53G-8-205(3)**

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

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

**14. INVESTIGATIONS**

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

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**14.1 General Investigation Guidelines for Campus Director**

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

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

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

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

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

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

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

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

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

**14.2 Coordination with Law Enforcement**

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

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

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

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

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

**14.2.2 Investigation of Criminal Conduct**

During an investigation for violation of School rules, it may become evident that the incident under

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investigation may also be a violation of criminal law. If the School official has reason to suspect that a criminal act has been committed and, in the opinion of the Campus Director, law enforcement should be notified, the following procedure should be followed:

- [a] The Campus Director shall request that law enforcement officers conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.
- [b] The School official shall inform the student's parent or legal guardian as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation.
- [c] Unless circumstances dictate otherwise, questioning of the student by School officials shall not begin or continue until the law enforcement officers arrive.
- [d] Reasonable attempts shall be made to contact the student's parents or legal guardian who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities.
- [e] The Campus Director shall document the contact or attempted contact with the student's parents or legal guardian. If the Campus Director cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Campus Director shall be present and document generally what occurs during the interview.
- [f] The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer.
- [g] If the parent or student refuses to consent to questioning by law enforcement authorities, the law enforcement authorities shall determine the course of action to be pursued.

#### **14.2.3 Investigation Initiated by Law Enforcement Authorities**

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

- [a] When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation on School grounds during School hours.
- [b] Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:
  - (i) The officers shall be required to get prior approval of the Campus Director or other designated person before beginning an investigation on School premises.
  - (ii) The Campus Director shall document the circumstances warranting the investigation as soon as practical.
  - (iii) Alleged criminal behavior related to the School environment brought to the Campus Director's attention by law enforcement officers shall be dealt with under the provisions of Section 14.1.
  - (iv) Law enforcement officials (investigating School-related or student-related crimes) may not have access to student education records, aside from directory information, unless they have a subpoena or

court order or permission from parent or guardian.

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

**14.2.4 Release of Student to Law Enforcement Official**

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

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

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

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

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

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

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

**14.2.5 Quelling Disturbances of School Environment**

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

**15. SEARCHES OF PERSON OR PROPERTY**

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

**15.1 General Guidelines for Searches of Person or Property**

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### 15.1.1 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 15.2 of this policy.

### 15.1.2 Searches of Students and Student Property

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

## 15.2 Searches of Personal Belongings

**15.2.1** 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.

**15.2.2** 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.

**15.2.3** No contraband items that are confiscated will be returned to the student or their parents.

## 15.3 Searches of Person

**15.3.1** School officials shall make sure the search meets the following guidelines:

[a] The search shall be conducted in a private area of the School by a School official of the same sex as the student being searched;

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

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

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

[e] If this limited search does not turn up suspected contraband and School officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons

or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

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

**15.4 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:

- 15.4.1 The time, place and date of the search;
- 15.4.2 The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);
- 15.4.3 The name and title of individuals conducting and observing the search;
- 15.4.4 A statement about evidence that was found or not found as a result of the search;
- 15.4.5 A statement about who took possession of contraband (i.e., police, school, etc.);
- 15.4.6 Information regarding the attempts of School officials to notify parents about the search.

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

**16.1 Requirements After Receiving Notification From Juvenile Court and/or Law Enforcement Agencies of a Student's Serious Offense or Sexual Crime.**

16.1.1 If the President of the Board or the Lead Director of the School is notified by the juvenile court that a current or former student of the School has been adjudicated for a serious offense or sexual crime or is notified by a law enforcement agency that a current or former student of the School has been taken into custody or detention for a serious offense or sexual crime, the President of the Board or Lead Director shall notify the student's Campus Director 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.

16.1.2 Upon receipt of the information about a student's serious offense (whether from the President of the Board, the Lead Director, or directly from the juvenile court or law enforcement agency), the Campus Director 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.

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16.1.3 Upon receipt of the information about a student's serious offense or sexual crime (whether from the President of the Board, the Lead Director, or directly from the juvenile court or law enforcement agency), the Campus Director shall, if the student is still enrolled in the School, notify staff members who, in the Campus Director'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.

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**16.2 Multidisciplinary Team and Reintegration Plan**

**16.2.1** In addition to complying with the requirements above, the School shall, within five (5) days after receiving a notification described in Section 16.1.1 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.

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**16.2.2** The reintegration plan shall address:

[a] a behavioral intervention for the student;

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

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[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.

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

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16.2.4 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.

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16.2.5 The School shall not reintegrate a student into a School campus where;

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[a] a student or staff member of the campus has a protective order against the student being reintegrated;  
or

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[b] a student or staff member of the campus is a victim of the serious offense or sexual crime committed by the student being reintegrated.

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If the circumstances above exist, the multidisciplinary team shall determine if the student is eligible to be offered placement at a different campus of the School.

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16.2.6 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 ("FERPA").

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**16.3. Students Committing a Serious Offense or Sexual Crime are Subject to Suspension or Expulsion**

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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.

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**16.4 Student Discipline Records/Education Records**

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

**16.4.1 Disclosure of Discipline Records to Other Educators**

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

**16.4.2 Disclosure of Discipline Records to Other Agencies**

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

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**17. 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.

**17.1 Definitions**

**17.1.1** 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.

**17.1.2** "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.

**17.1.3** "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.

**17.1.4** "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.

**17.2 General Procedures**

**17.2.1** 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.

**17.2.2** An ESI shall:

[a] be applied for the minimum time necessary to ensure safety;

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[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.

### 17.3 Students with Disabilities Receiving Special Education Services

**17.3.1** 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.

**17.3.2** 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.

### 17.4 Physical Restraint

**17.4.1** A School employee may, in accordance with Section 17.2.2 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.

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

[a] prone, or face-down;

[b] supine, or face-up;

[c] physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;

[d] mechanical restraint, except for seatbelts or safety equipment used to secure students during transportation, other appropriate protective or stabilizing restraints, and devices used by a law



enforcement officer in carrying out law enforcement duties; or

[e] chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student's Health Care Plan.

**17.4.3** Nothing in this Section prohibits a School employee from using less intrusive means, including a physical escort, to address circumstances described in Section 17.4.1.

**17.5 Seclusionary Time Out**

A School employee may, in accordance with Section 17.2.2 and when acting within the scope of employment, place a student in seclusionary time out as an ESI under the following circumstances:

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

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

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

**17.6 Notification**

**17.6.1** 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.

**17.6.2** In addition to providing the notice described in Section 17.6.1, if the ESI is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and School administration.

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

**17.6.4** 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.

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

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

**17.7 Emergency Safety Intervention (ESI) Committee**

**17.7.1** 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 Campus Director; 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.

**17.7.2** 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.

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

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

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

**17.8 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.

**18. TRAINING**

**18.1** 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.

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

**18.3** The Campus Director 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.

**19. POLICY AND PLAN DISSEMINATION AND REVIEW**

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

**19.2** A summary of this policy and the Student Conduct and Discipline Plan shall be posted in the

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

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

#### 20. Authority of Lead Director

The Lead Director may exercise any action, authority, discretion, or responsibility required of or granted to the Campus Director under this policy.

Signature:

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<a href="#">Jammi Wright</a> , Board President	Date
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