

## **Scholar Academy Board of Directors Meeting**

**Date:** 09.25.2025

**Time:** 5:00 PM

**Location:** <https://uso2web.zoom.us/j/85086026933>

*Scholar Academy is committed to creating a learning environment that fosters in students the development of divergent thinking and problem-solving skills, providing opportunities which enable all students to develop a sense of civic responsibility and achieve their highest potential.*

## **AGENDA**

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### **CALL TO ORDER**

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

### **REPORTS**

- Director's Report
- Budget Report

### **CONSENT ITEMS**

- August 28, 2025, Board Meeting & Closed Session Minutes

### **VOTING & DISCUSSION ITEMS**

- Approve LEA Licenses
- Board Member Terms, Roles, & Elected Officers
- Amended Bullying and Hazing Policy
- New Hotline Complaint Policy

### **CALENDARING**

- Next board meeting is November 20th, 2025 @ 5:00 PM.

### **ADJOURN**

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

## Scholar Academy

### Board of Directors Meeting

**Date:** 08.28.2025

**Location:** 928 N 100 E Basecamp 1, Tooele, UT 84074

**In Attendance:** Dusty Griffith, Traelle Gailey, Johanna Leonelli, Sandy Shepard, Jacob Howarth

**Others in Attendance:** Jeff Hall, Ashley Tignor, Nicole Jones, Krystal Taylor, Jon McQueary

## MINUTES

**CALL TO ORDER** Dusty Griffith called the meeting to order at 5:37PM.

### PUBLIC COMMENT

There were no comments.

### REPORTS

- Director's Report
- Staffing Update
- Early Learning Plan

Jeff Hall provided a staffing update, noting that two Scholar Academy alumni have joined as employees and a highly experienced Special Education teacher has been offered a position. He emphasized the goal of maintaining fully licensed staff and reviewed the Early Learning Plan for both the past and upcoming year, with minor curriculum adjustments in the plan to be corrected and re-submitted.

Jon McQueary joined the meeting at 5:45PM.

- Budget Report

Jon McQueary reported on the significant efforts underway in Academia West's accounting department to support the ongoing financial audit conducted by Eide Bailly, noting it is a very busy and detailed process. He emphasized that the budget will continue to be adjusted throughout the year. In response to board questions, Jon shared that Scholar Academy has 250 days cash on hand, well above the state's base requirement of approximately 30 days, confirming the school's strong financial health.

### VOTING & DISCUSSION ITEMS

- Board Member Terms, Roles, and Elected Officers  
Jacob Howarth previously interviewed with the board. Now that there is a board vacancy he has been invited to fill that position.

*Sandy Shepard made a motion to approve Jacob Haworth as a board member with a 3-year term ending June 30, 2028. Traelle Gailey seconded. The motion passed unanimously. The votes were as follows: Dusty Griffith, Aye; Traelle Gailey, Aye; Johanna Leonelli, Aye; Sandy Shepard, Aye.*

*Johanna Leonelli made a motion to approve Traelle Gailey as the Vice-Chair. Sandy Shepard seconded. Motion passed unanimously. The votes were as follows: Dusty Griffith, Aye; Traelle Gailey, Aye; Johanna Leonelli, Aye; Sandy Shepard, Aye; Jacob Howarth, Aye.*

#### **CONSENT ITEMS**

- August 15, 2025, Board Meeting Minutes  
*Sandy Shepard made a motion to approve the August 15, 2025, Board Meeting Minutes. Johanna Leonelli seconded. The motion passed unanimously. The votes were as follows: Dusty Griffith, Aye; Traelle Gailey, Aye; Johanna Leonelli, Aye; Sandy Shepard, Aye; Jacob Howarth, Aye.*

#### **VOTING & DISCUSSION ITEMS**

- Amended Electronic Resource Policy
- Amended Kindergarten Toilet Training Policy
- Amended Child Abuse and Neglect Reporting Policy  
*Revisions were presented to three policies. The Child Abuse and Neglect Reporting Policy was updated to align with Utah law and USBE rule, clarifying reporting requirements and adding training mandates from HB 40. The Electronic Resources Policy was amended to comply with SB 178, restricting student use of cellphones, smart watches, and similar devices during class hours with specific exceptions. Finally, the Kindergarten Toilet Training Policy was renamed the Toilet Training Policy and revised per HB 76 to apply to all students prior to enrollment, with exemptions for students covered by IEP or Section 504 plans. Sandy Shepard made the recommendation to add language to the Child Abuse and Neglect Reporting Policy to direct the principal to contact Academica West HR when a situation of reporting arises for additional guidance and support.*

*Sandy Shepard made a motion to approve the policies listed above, adding verbiage to include the principal to contact the business management Human Resource department for guidance when a reporting incident occurs. Traelle Gailey seconded. The motion passed unanimously. The votes were as follows: Dusty Griffith, Aye; Traelle Gailey, Aye; Johanna Leonelli, Aye; Sandy Shepard, Aye; Jacob Howarth, Aye.*

- Strategic Planning
  - Review Strategic Goals 1, 2, & 4  
*Sandy Shepard highlighted the strong progress at Scholar Academy, noting attendance above 90%, a 94% retention rate, and average class sizes under 25*

students. She highlighted the school's positive culture, advanced use of technology compared to surrounding schools, and the high quality of instruction. Sandy also recognized Jeff Hall and staff for their significant contributions to recent revisions.

*Johanna Leonelli made a motion to approve the Strategic Plan. Jacob Howarth seconded. The motion passed unanimously. The votes were as follows: Dusty Griffith, Aye; Traelle Gailey, Aye; Johanna Leonelli, Aye; Sandy Shepard, Aye; Jacob Howarth, Aye.*

**CLOSED SESSION-** to discuss the character, professional competence, or physical or mental health of an individual in accordance with Utah Code Ann. 52-4-2(1)(a).

*At 7:12PM Sandy Shepard made a motion to move into a closed session to discuss the character, professional competence, or physical or mental health of an individual, located at Scholar Academy. Traelle Gailey seconded. The votes were as follows: Dusty Griffith, Aye; Traelle Gailey, Aye; Johanna Leonelli, Aye; Sandy Shepard, Aye; Jacob Howarth, Aye. The motion passed unanimously.*

*At 7:42 PM Sandy Shepard made a motion to move out of closed session. Traelle Gailey seconded. The votes were as follows: Dusty Griffith, Aye; Traelle Gailey, Aye; Johanna Leonelli, Aye; Sandy Shepard, Aye; Jacob Howarth, Aye. The motion passed unanimously.*

#### **VOTING & DISCUSSION ITEMS**

- Alta Education Consulting Contract

Jeff Hall and Ashley Tignor have met with Alta Education Consulting for contracted services. Under the agreement, Alta will provide 20 hours of consulting services per month, including at least one in-person school day at a monthly rate of \$3,700. Additional hours, if pre-approved, will be billed at \$165 per hour. Services include leadership coaching, curriculum alignment, data analysis, compliance support, and professional development. The agreement affirms Alta's status as an independent contractor, includes a 14-day termination clause, and incorporates a data confidentiality addendum to ensure compliance with Utah law regarding student data protections.

*Sandy Shepard made a motion to approve the Alta Education Consulting contract after additional details are added including KPI's and itemizations for billing hours. Johanna Leonelli seconded. The motion passed unanimously. The votes were as follows: Dusty Griffith, Aye; Traelle Gailey, Aye; Johanna Leonelli, Aye; Sandy Shepard, Aye; Jacob Howarth, Aye.*

#### **CALENDARING**

- Next board meeting is September 25, 2025 @ 5:00 PM.

**ADJOURN**

At 7:49PM Jacob Howarth made a motion to adjourn. Traelle Gailey seconded. The motion passed unanimously. The votes were as follows: Dusty Griffith, Aye; Traelle Gailey, Aye; Johanna Leonelli, Aye; Sandy Shepard, Aye; Jacob Howarth, Aye.

**Scholar Academy  
Board of Directors Closed Session**

**Date:** 08.28.2025

**Location:** 928 N 100 E Basecamp 1, Tooele, UT 84074

**CLOSED SESSION SWORN STATEMENT:**

At a duly noticed public meeting held on the date listed above, the board of directors for Scholar Academy entered 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 28<sup>th</sup> day of August, located at 928 N 100 E Basecamp 1, Tooele, UT 84074.



Dusty Griffith, Board Chair

	Letter names- Uppercase	Letter Names- Lowercase	Consonant Sounds	Long Vowel Sounds	Short Vowel Sounds	Short Vowel in CVC	Consonant Blends	Digraphs	Isolate Initial Phoneme	Segment Phonemes	Count/Segment Phonemes	Re Pro
Teacher	26	26	23	5	5	15	15	15	6	6	6	
Ockey	1	0										
Ockey	8	3										
Ockey	10	11										
Ockey	12	7										
Ockey	21	22										
Ockey	25	26										
Ockey	16	11										
Ockey	1	0										
Ockey	2	1										
Ockey	20	16										
Ockey	23	19										
Ockey	26	26										
Ockey	26	21										
Ockey	19	17										
Ockey	11	13										
Ockey	3	2										
Ockey	26	25										
Ockey	18	10										
Ockey	4	0										

	Letter names- Uppercase	Letter Names- Lowercase	Consonant Sounds	Long Vowel Sounds	Short Vowel Sounds	Short Vowel in CVC	Consonant Blends	Digraphs	R Controlled Vowels	Long Vowel Basic	Variant Vowels	Re Pro
Teacher	26	26	23	5	5	15	15	15	15	15	15	
Betz	26	24	18	5	5	13	10	9	5	0	1	
Betz	25	23	19	5	5	10	6	2	0	0	0	
Betz	26	24	20	5	5	11	0	1	0	0	0	
Betz	25	24	16	5	5	12	1	1	0	0	3	
Betz	26	24	19	5	4	13	8	10	10	7	3	
Betz	25	25	20	5	4	13	11	9	12	11	14	
Betz	25	25	19	5	4	13	11	9	12	11	14	
Betz	25	25	19	5	3	10	2	1	0	2	1	
Betz	18	19	15	5	5	6	0	0	0	0	0	
Betz	26	26	18	5	5	9	1	2	0	0	0	
Betz	26	26	19	5	4	13	8	6	1	6	10	
Betz	26	25	18	5	5	10	5	9	3	0	2	
Betz	22	23	17	5	3	9	0	0	0	0	0	
Betz	26	23	20	5	5	4	1	3	1	1	4	
Betz	25	25	21	5	5	11	7	2	2	0	0	
Betz	26	25	21	5	5	14	12	10	9	5	6	
Betz	26	26	19	5	4	15	12	11	8	11	10	
Betz	26	26	21	5	5	12	3	3	0	0	0	
Betz	25	26	21	5	5	14	7	5	1	2	0	

## Rise Benchmark Assessment Schedule

Grade	Subject	Assessment	Assessment Window	Subject	Assessment	Assessment window	Subject	Assessment	Assessment
4th grade	Math	Geometry 1-2 form 1	September	ELA		September	Science	Standard 4.1.3	September
		Geometry 1-2 form 2	September			September			September
		Measurement and Data 1-2 Form 1	September			September			September
		Geometry 1-2 form 1	October			October		Standard 4.1.3	October
		Geometry 1-2 form 2	October			October		Standard 4.3.1	October
		Measurement and Data 1-2 Form 1	October			October			October
		Measurement and Data 1-2 Form 2	October			October			October
		Measurement and Data 1-2 Form 2	November		Informational 1	November		Standard 4.3.1	November
		Fractions 1-2: Form 1	November		Informational 2	November		Standard 4.3.2 A	November
		Fractions 1-2: Form 2	November		Informational 3	November			November
		Fractions 1-2: Form 3	November						
		Fractions 1-2: Form 1	December		Informational 1	December		Standard 4.3.2 A	December
		Fractions 1-2: Form 2	December		Informational 2	December		Standard 4.3.2 B	December
		Fractions 1-2: Form 3	December		Informational 3	December			December
		Fractions 1-2: Form 4	December						
		Fractions 1-2: Form 4	January		Literature 1	January		Standard 4.3.2 B	January
		Numbers and Operations in base ten 1-3 Form 1	January		Literature 2	January		Standard 4.4.2	January
		Numbers and Operations in base ten 1-3 Form 2	January		Literature 3	January			January
		Numbers and Operations in base ten 1-3 Form 3	January						
		Numbers and Operations in base ten 1-3 Form 1	February		Literature 1	February		Standard 4.4.2	February
		Numbers and Operations in base ten 1-3 Form 2	February		Literature 2	February			February
		Numbers and Operations in base ten 1-3 Form 3	February		Literature 3	February			February
		Numbers and Operations in base ten 1-3 Form 4	February						

## Rise Benchmark Assessment Schedule

Grade	Subject	Assessment	Assessment Window	Subject	Assessment	Assessment window	Subject	Assessment	Assessment window
8th grade	Math	Algebra 1	September	ELA		September	Science		September
		Algebra 2	September			September			September
		Geometry 1	September			September			September
		Geometry 2	September			September			September
		Algebra 1	October			October			October
		Algebra 2	October			October		Standard 8.1.6	October
		Geometry 1	October			October			October
		Geometry 2	October			October			October
		Number and quantity, functions, and statistics and probability form 1	November		Informational 1	November		Standard 8.1.6	November
		Number and quantity, functions, and statistics and probability form 2	November		Informational 2	November			November
		Expressions and Equations 7 form 1	November		Informational 3	November			November
		Expressions and Equations 7 form 2	November		Informational 4	November			November
		Number and quantity, functions, and statistics and probability form 1	December		Informational 1	December		Standard 8.2.4	December
		Number and quantity, functions, and statistics and probability form 2	December		Informational 2	December			December
		Expressions and Equations 7 form 1	December		Informational 3	December			December
		Expressions and Equations 7 form 2	December		Informational 4	December			December
		Expressions and Equations 8 form 1	January		Literature 1	January		Standard 8.2.4	January
		Expressions and Equations 8 form 2	January		Literature 2	January			January
		Functions 1-3 form 1	January		Literature 3	January			January
		Functions 1-3 form 2	January		Literature 4	January			January
		Expressions and Equations 8 form 1	February		Literature 1	February		Standard 8.4.4	February
		Expressions and Equations 8 form 2	February						

## SY25-26 LEA-Specific 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 Language Therapist

LEA (District or Charter) Name	Date LEA's Board Met	CACTUS ID	Last Name	First Name	License 257 (Y/N)	Is this a RENEWAL Request from SY24- 25? (Y/N)	License Area 1	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)	Does Educator have a current certificate (Y/N)	Pedagogical Licensure Completed and Certified (Y/N)												
																	PE ONLY: CPR Cert #												
Granite SD	1/5/21	993399 Example	Lorraine	Pritzkau	Educator	N	Secondary	Math Level 3	Chemistry								Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A		
Scholar Academy	9/25/25	823320 Loriann	Pratt	Michael	Educator	N	Elementary										Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A		
Scholar Academy	9/25/25	821657 Hosper	Virginia	N	Educator	N	Elementary										Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A		
Scholar Academy	9/25/25	821408 Forryth	Michael	N	Educator	N	Secondary	Physical Education	Health							Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A			
Scholar Academy	9/25/25	749427 Russom	Geraldine	N	Educator	N	Secondary	Social Studies	Composite							Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A			
Scholar Academy	9/25/25	815943 Schaub	Ashley	N	Educator	N	Elementary									Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A			
Scholar Academy	9/25/25	714356 Mohammed	Kimberly	N	Educator	N	Secondary	Math	SPED																				

September 25, 2025

Dear Superintendent,

The Scholar Academy School Board approved LEA-Specific educator license(s) to six (6) individual(s) in a public meeting held on September 25, 2025. The license areas, and endorsements shall be valid for three academic years as indicated on the attached spreadsheet which contains the associated educator information and rationale for the request. All LEA-Specific licenses will expire on June 30th of the final academic year approved.

Scholar Academy's following assurances:

- The LEA has adopted a policy, in accordance with R277-301-7, to prepare and support educators with an LEA-Specific license. This policy is posted online at <https://sites.google.com/scholarcharter.org/main/home/policies?authuser=0>.
- The educator has completed a criminal background check in accordance with Rule R277-214 and continued monitoring in accordance with Subsection 53G-11-403(1).
- The LEA will provide requisite training (educator ethics, classroom management/instruction, special education law/instruction, & Utah Effective Teaching Standards) within the 1<sup>st</sup> year of employment.
- The educators will complete the USBE Ethics Review within one (1) calendar year prior to being issued the license.
- The LEA will post all educator data, including assignments, in CACTUS no later than sixty (60) days following the date of the public governing board meeting approving the license area(s) and/or endorsement(s).
- Each LEA school employing an individual with an LEA-Specific license will prominently post the following on the school's website:
  - Disclosure that the school employs individuals holding an LEA-Specific educator license, license areas, and/or endorsements.
  - An explanation of the types of educator licenses issued by USBE (Professional, Associate, LEA-Specific):  
“The following **designations or levels** apply to educator licenses, license areas (i.e.-elementary, secondary, special education), and content endorsements (i.e.-mathematics, music, Spanish, social studies):
  - **Professional:** The educator has completed an educator preparation program that includes content and pedagogical knowledge. This program may have been completed at a university or in an alternate pathway that was supported by school districts/charters and the Utah State Board of Education.
  - **Associate:** The educator is currently completing an educator preparation program but has not yet completed all requirements for a Professional Educator License, license area, or endorsement. The educator is enrolled in a university-based or Local Education Agency (LEA)-based program. When the educator completes the program, they will have a professional level.

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- **LEA-Specific:** The educator has not completed an educator preparation and is not currently enrolled in one.”
- Percentage (based on FTE) of types of licenses, license areas, and endorsements held by educators employed in the school.
- A link to the [Utah Educator Look-up Tool](#).

The Scholar Academy School Board additionally acknowledges that LEA-Specific educator licenses, license areas, or endorsements may be renewed by the Utah State Board of Education (USBE). These renewals will be approved or denied on a case-by-case basis.

Sincerely,

Dusty Griffith  
Scholar Academy Board Chair  
[dgriffith@scholaracademy.org](mailto:dgriffith@scholaracademy.org)

## Member Terms & Election of Officers

Overview: Each year, the board appoints members to fill vacancies and elects its officers at its annual meeting. The following list provides an overview of the current board composition.



### SCHOLAR ACADEMY BOARD MEMBER TERMS

#### **Board Terms:**

1. Dusty Griffith (Board Chair)  
Term Expires: 07/01/28
2. Traelle Gailey (Vice Chair)  
Term Expires: 07/01/2029
3. Sandy Shepard (Board Member)  
Term Expires: 07/01/2027
4. Johanna Leonelli (Board Member)  
Term Expires: 07/01/2027
5. Jacob Howarth (Board Member)  
Term Expires: 06/30/2028

## SCH 09.25.2025 Policy Summary Sheet:

### Amending Bullying and Hazing Policy

SB 223 from the 2025 legislative session amended the definition of bullying and broke it down into “staff bullying” and “student bullying.” Both of these bullying definitions require repeated misconduct or a single egregious act that involves an imbalance of power. In light of SB 223, the USBE amended its bullying rule in R277-613 to not only incorporate the new definitions of staff bullying and student bullying, but to make other changes as well. These other changes include, but aren’t limited to, amending the definition of “civil rights violation,” prohibiting students and employees from creating or distributing sexually explicit or nonconsensual intimate images, and adding “safe digital citizenship” to the list of bullying and hazing topics schools must train on. The school’s Bullying and Hazing Policy has been revised to comply with the changes brought about by SB 223 and the revised rule in R277-613.

### New Hotline Complaint Policy

R277-123 requires each school to have on its website a link to the school’s local education hotline or a link to the USBE’s public education hotline so that the public can report alleged violations. The school does not have its own local hotline but does have a link on its website to the USBE’s public education hotline. R277-123 also now requires each school to adopt a hotline complaint policy. Per R277-123, this policy must establish how a school will respond to hotline complaints and contain steps a school must go through when responding to such complaints. The proposed Hotline Complaint Policy tracks the requirements in R277-123. It also explains that if a hotline complaint received by the school should have been addressed via the school’s applicable grievance policy, the school may inform the USBE’s Internal Audit Department (the department who handles USBE hotline complaints). This policy emphasizes that complainants should not use the hotline to bypass the school’s grievance policies.

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**Scholar Academy**  
**Policy: Bullying & Hazing Policy**  
**Amended:**

**Deleted: August 31, 2023**

## **PURPOSE**

The purpose of this policy is to prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct involving Scholar Academy (the "School") students and employees. The School's Board of Directors (the "Board") has determined that a safe, civil environment in School is necessary for students to learn and achieve high academic standards and that conduct constituting bullying, cyber-bullying, hazing, retaliation, and abusive conduct disrupts both a student's ability to learn and the School's ability to educate its students in a safe environment.

## **POLICY**

### **Prohibited Conduct**

Bullying, cyber-bullying, hazing, retaliation, and abusive conduct towards students and employees are against federal, state, and local policy and are not tolerated by the School. The School is committed to providing all students with a safe and civil environment in which all members of the School community are treated with dignity and respect. To that end, the School has in place policies, procedures, and practices that are designed to reduce and eliminate this conduct – including, but not limited to, civil rights violations – as well as processes and procedures to deal with such incidents. Bullying, cyber-bullying, hazing, retaliation, and abusive conduct towards students and/or employees by students and/or employees will not be tolerated in the School. Likewise, abusive conduct by students or parents or guardians against School employees is prohibited by the School and will not be tolerated in the School.

In order to promote a safe, civil learning environment, the School prohibits all forms of bullying of students and School employees (a) on School property, (b) at a School-related or sponsored event, or (c) while the student or School employee is traveling to or from School property or a School-related or sponsored event.

The School prohibits all forms of bullying, cyber-bullying, hazing, abusive conduct of or retaliation against students and School employees at any time and any location.

Students and School employees are prohibited from retaliating against any student, School employee or an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

Students and School employees are prohibited from making false allegations of bullying, cyber-bullying, hazing, abusive conduct, or retaliation against a student or School employees.

Students and School employees are prohibited from sharing a recording of an act of bullying, cyber-bullying, hazing, abusive conduct, and retaliation in order to impact or encourage future incidents.

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Students and School employees are prohibited from creating or distributing sexually explicit or nonconsensual intimate images.

In addition, School employees, coaches, sponsors and volunteers shall not permit, condone or tolerate any form of hazing, bullying, cyber-bullying, or abusive conduct and shall not plan, direct, encourage, assist, engage or participate in any activity that involves hazing, bullying, cyber-bullying, or abusive conduct.

Any bullying, cyber-bullying, hazing, abusive conduct, or retaliation that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to OCR compliance regulations.

## Definitions

**Abusive Conduct** – For purposes of this policy, “abusive conduct” means verbal, nonverbal, or physical conduct of a parent or guardian or student directed toward a School employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress. A single act does not constitute abusive conduct.

**Action Plan** – For purposes of this policy, “action plan” means a process to address an incident of bullying, cyber-bullying, hazing, or retaliation.

**Bullying** – For purposes of this policy, “bullying” means student bullying and staff bullying.

**Civil Rights Violations** – For purposes of this policy, “civil rights violations” means violations as outlined in the following federal laws:

- (1) Title VI of the Civil Rights Act of 1964 (prohibits discrimination on the basis of race, color, or national origin);
- (2) Title IX of the Education Amendments of 1972 (prohibits discrimination on the basis of sex);
- (3) Section 504 of the Rehabilitation Act of 1973 (prohibits discrimination on the basis of disability); or
- (4) Title II of the Americans with Disabilities Act (prohibits discrimination on the basis of disability).

**Cyber-bullying** – For purposes of this policy, “cyber-bullying” means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

**Hazing** – For purposes of this policy, “hazing” means a School employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a School employee or student that:

- (1) (a) endangers the mental or physical health or safety of a School employee or student;

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Board Approved: 8.31.2023

**Deleted:** as described in Utah Code § 53G-9-605.5

**Deleted:** a School employee or student intentionally committing a written, verbal, or physical act against a School employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

(1) causing physical or emotional harm to the School employee or student;

(2) causing damage to the School employee's or student's property;

(3) placing the School employee or student in reasonable fear of:

(a) harm to the School employee's or student's physical or emotional well-being; or

(b) damage to the School employee's or student's property;

(4) creating a hostile, threatening, humiliating, or abusive educational environment due to:

(a) the pervasiveness, persistence, or severity of the actions; or

(b) a power differential between the bully and the target; or

(5) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

This conduct constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct. In addition, bullying is commonly understood as aggressive behavior that is intended to cause distress and harm; exists in a relationship in which there is an imbalance of power and strength; and is repeated over time.

Bullying may also include relational aggression or ... [1]

**Deleted:** bullying, cyber-bullying, harassment, abusive conduct, or hazing that is targeted at a federally protected class.

**Deleted:** *Federally protected class* – For purposes of this policy, “federally protected class” means any group protected from discrimination under federal law, such as:

(1) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin.

(2) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex.

(3) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 19 ... [2]

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- (b) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
- (c) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a School employee or student; or
- (d) involves any activity that would subject a School employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a School employee or student to extreme embarrassment, shame, or humiliation; and

(2) (a)(i) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a School or School sponsored team, organization, program, club, or event; or

- (ii) is directed toward a School employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a School or School sponsored team, organization, program, club, or event in which the individual who commits the act also participates.

(3) The conduct described above constitutes hazing, regardless of whether the School employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

*Incident* – For purposes of this policy, “incident” means a verified incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation that is prohibited in Utah Code § 53G-9-601 *et seq.*

*Retaliate or Retaliation* – For purposes of this policy, "retaliate or retaliation" means an act or communication intended:

- (1) as retribution against a person for reporting bullying or hazing; or
- (2) to improperly influence the investigation of, or the response to, a report of bullying or hazing.

*School Employee* – For purposes of this policy, “School employee” means an individual working in the individual’s official capacity as:

- (1) a School teacher;
- (2) a School staff member;
- (3) a School administrator; or

(4) an individual:

- (a) who is employed, directly or indirectly, by the School; and
- (b) who works on the School’s campus(es).

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**Staff Bullying** – For purposes of this policy, “staff bullying” means a School employee, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against a student or another School employee, or engaging in a single egregious act toward another employee involving an imbalance of power, that:

- (1) creates an environment that a reasonable person would find hostile, threatening, or humiliating; and
- (2) substantially interferes with a student’s or employee’s educational or professional performance, opportunities, or benefits.

**Student Bullying** – For purposes of this policy, “student bullying” means one or more students, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against another student, or engaging in a single egregious act toward another student involving an imbalance of power, that:

- (1) creates an environment that a reasonable person would find hostile; and
- (2) interferes with a student’s educational performance, opportunities, or benefits.

“Student bullying” and “staff bullying” do not mean instances of:

- (1) ordinary teasing, horseplay, argument, or peer conflict;
- (2) reasonable correction of behavior by a School employee; or
- (3) reasonable coaching strategies and techniques by a School employee who is a coach.

**Verification** – For purposes of this policy, “verification” means that an alleged incident has been found to be substantiated through a formal investigation process done by the School as outlined in this policy.

**Volunteer** – For purposes of this policy, “volunteer” means a non-employee with significant, unsupervised access to students in connection with a School assignment.

## **Reporting Prohibited Conduct**

Students who have been subjected to or witnessed bullying, cyber-bullying, hazing, or retaliation, and students who have witnessed abusive conduct, must promptly report such prohibited conduct to any School personnel orally or in writing. School personnel who receive reports of such prohibited conduct must report them to the Principal.

School employees who have been subjected to or witnessed hazing, bullying, cyber-bullying, abusive conduct, or retaliation must report such prohibited conduct to the School’s Principal orally or in writing.

Each report of prohibited conduct shall include:

- (1) the name of complaining party;
- (2) the name of person subjected to the prohibited conduct (if different than complaining party);
- (3) the name of perpetrator (if known);
- (4) the date and location of the prohibited conduct; and

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(5) a statement describing the prohibited conduct, including names of witnesses (if known).

In connection with a report of prohibited conduct, students and School employees may request that their identity be kept anonymous, and reasonable steps shall be taken by the Principal and others involved in the reporting and investigation to maintain the anonymity of such individuals, if possible. School employees must take strong responsive action to prevent retaliation, including assisting students who are subjected to prohibited conduct and his or her parents or guardians in reporting subsequent problems and new instances of prohibited conduct.

The Principal or his/her designee shall promptly make a reasonably thorough investigation of all complaints of prohibited conduct, including, to the extent possible, anonymous reports, and shall, in accordance with the Consequences of Prohibited Behavior section below, administer appropriate discipline to all individuals who violate this policy. Formal disciplinary action is prohibited based solely on an anonymous report.

The Principal may report to OCR all incidents of bullying, hazing, cyber-bullying, abusive conduct, or retaliation that he/she reasonably determines may be violations of a student's or employee's civil rights.

It is the School's policy, in compliance with state and federal law, that students have a limited expectation of privacy on the School's computer equipment and network system, and routine monitoring or maintenance may lead to discovery that a user has violated School policy or law. Also, individual targeted searches will be conducted if there is reasonable suspicion that a user has violated policy or law. Personal electronic devices of any student suspected of violation of this policy will be confiscated for investigation and may be turned over to law enforcement.

## Investigation of Alleged Incidents

The School will investigate all allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct in accordance with this policy and applicable law. The Principal or his/her designee will investigate such allegations, and the School shall ensure that the investigator is provided adequate training to conduct such an investigation. The Principal or his/her designee will be the point person with training and expertise to assist, direct, and supervise training of other employees in the responsibilities set forth in this paragraph.

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The School will investigate these alleged incidents by interviewing:

(1) the individual who was allegedly targeted;

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(2) the individual who is alleged to have engaged in the prohibited conduct;

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(3) the parents or guardians of the students who were allegedly targeted and the individual who is alleged to have engaged in prohibited conduct;

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(4) any witnesses;

(5) School staff familiar with the student who was allegedly targeted;

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- (6) School staff familiar with the individual who is alleged to have engaged in prohibited conduct; or
- (7) Other individuals who may provide additional information.

The individual who investigates an alleged incident will inform an individual being interviewed that (1) to the extent allowed by law, the individual is required to keep all details of the interview confidential; and (2) further reports of bullying will become part of the review. However, the confidentiality requirement described in this paragraph does not apply to conversations with law enforcement, requests for information pursuant to a warrant or subpoena, a state or federal reporting requirement, or other reporting required by R277-613.

In conducting this investigation, the School may (1) review disciplinary reports of involved students; and (2) review physical evidence, including video or audio, notes, email, text messages, social media, or graffiti.

The School will report alleged incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct to law enforcement when the Principal reasonably determines that the alleged incident may have violated criminal law.

The School shall follow up with the parents or guardians of all parties to:

- (1) inform parents or guardians when an investigation is concluded;
- (2) inform parents or guardians what safety measures will be in place for their child, as determined by the investigation;
- (3) provide additional information about the investigation or the resolution consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (["FERPA"](#)); and
- (4) inform parents or guardians of the School's Parent Grievance Policy if the parents or guardians disagree with the resolution of the investigation.

If the investigation results in a verification of an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct, the School shall create and implement an action plan for each such incident in accordance with Utah Code § 53G-9-605.5 and R277-613.

In addition, following verification of an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct, the Principal may, if he/she determines it is appropriate:

- (1) [use accountability practices](#) in accordance with policies established by the School; and
- (2) provide supportive services designed to preserve the student's access to educational opportunities and a sense of safety.

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However, a student to whom an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct is directed is not required to participate in a restorative justice practice with an

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individual who is alleged to have engaged in prohibited conduct. If the School would like any student to participate in a restorative justice practice, the School will notify the student's parent or guardian of the restorative justice practice and obtain consent from the student's parent or guardian before including the student in the process.

### Parental Notification

The Principal or his/her designee will timely notify a student's parent or guardian if:

- (1) the student threatens suicide; or
- (2) the student is involved in an incident (including if the student is subjected to the incident or is the person who caused the incident) and of the action plan to address the incident.

The Principal or his/her designee will attempt to contact the parent or guardian by telephone to provide this notification and to discuss the matter. If the parent or guardian is not available by telephone, the Principal or his/her designee will provide the parent or guardian the required notification by email.

The Principal or his/her designee will produce and maintain a record that:

- (1) verifies that the School notified each parent or guardian as required above. If an in-person meeting takes place, the Principal or his/her designee may ask the parent or guardian to sign the record acknowledging that the notification was provided. If a telephone conversation takes place, the Principal or his/her designee may document on the record such details as the date and time of the telephone call, who was spoken to, and brief notes regarding the notification that was provided and the content of the conversation. If an email is sent, the Principal or his/her designee will retain a copy of the email; and

- (2) tracks implementation of the action plan addressing the incident, if applicable.

The School will retain the record for at least as long as the student is enrolled at the School and will provide or expunge the record in accordance with Utah Code § 53G-9-604. The School will maintain the confidentiality of the record in accordance with the state and federal student data privacy laws referenced in Utah Code § 53G-9-604.

In addition to notifying the parent or guardian as set forth above, the Principal or his/her designee will provide the parent or guardian with the following:

- (1) suicide prevention materials and information as recommended by the Utah State Board of Education in accordance with Utah Code § 53G-9-604(2)(b);
- (2) information on ways to limit a student's access to fatal means, including firearms or medication; and
- (3) information and resources on the healthy use of social media and online practices as provided in R277-613.

### Action Plan to Address Incidents

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Following verification of an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct, the School shall develop and implement an action plan. The action plan shall include:

- (1) with respect to the targeted student and in direct coordination with the student's parent or guardian:
  - (a) a tailored response to the incident that addresses the student's needs;
  - (b) a mechanism to consider consequences or accommodations the student may need regarding decreased exposure or interactions with the student who caused the incident;
  - (c) notification of the consequences and plan to address the behavior of the student who caused the incident, to the extent allowed by FERPA;
  - (d) support measures designed to preserve the student's access to educational services and opportunities; and
  - (e) to the extent available, access to other resources the parent requests for the student; and
- (2) with respect to the student who caused the incident and in direct coordination with the student's parent or guardian:
  - (a) a range of tailored and appropriate consequences, making reasonable effort to preserve the student's access to educational services and activities;
  - (b) a process to determine and provide any needed resources related to the underlying cause of the incident;
  - (c) supportive measures designed to preserve the student's access to educational services and opportunities while protecting the safety and well-being of other students; and
  - (d) a process to remove the student from School in an emergency situation, including a description of what constitutes an emergency.

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The School may not include in an action plan a requirement that the student to whom the incident was directed change the student's:

- (1) educational schedule or placement; or
- (2) participation in a School sponsored sport, club, or activity.

The School shall try to involve the parent or guardian of a student who was involved in an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct in the development and implementation of an action plan. However, if, after the School attempts to involve a parent or guardian in the development and implementation of an action plan, the parent or guardian chooses to not participate in the process, the School may develop and implement an action plan without the parent or guardian's involvement.

The School shall communicate with the parent or guardian of each student involved in an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct about the implementation of the action plan. Specifically, the School shall provide regular updates on the implementation of the action plan to each such parent or guardian. The updates shall include:

- (1) the outcome of the School's investigation (if not already provided at the conclusion of the investigation);
- (2) a discussion of safety considerations for the student who is the subject of the incident; and

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(3) an explanation of the School's process for addressing the incident.

The Principal or his/her designee shall oversee the implementation of the action plan, monitor the implementation of the communication plan/requirements within the action plan, and assist the School with case-specific needs when the School is addressing an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct.

#### Consequences of Prohibited Behavior

If, after an investigation, a student is found to be in violation of this policy by participating in or encouraging conduct prohibited by this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code § 53G-8-205 and School policy, removal from participation in School activities, and/or discipline in accordance with regulations of the U.S. Department of Education Office for Civil Rights (OCR).

If, after an investigation, a School employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures, which may include termination, reassignment or other appropriate action.

School officials have the authority to discipline students for off-campus or online speech that causes or threatens a substantial disruption to School operations, including violent altercations or a significant interference with a student's educational performance and involvement in School activities.

#### Grievance Process for School Employees

As explained above, a School employee who has experienced abusive conduct must report the abusive conduct to the School Principal orally or in writing. If the School employee is not satisfied with the Principal or designee's investigation of the abusive conduct and/or the resulting disciplinary action (or recommended disciplinary action) against the perpetrator, the School employee may address/raise the issue in accordance with the School's Staff Grievance Policy.

#### Grievance Process for Parents and Guardians

A parent or guardian of a student who caused an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct may appeal one or more of the consequences included in an action plan in accordance with the School's Parent Grievance Policy.

#### Additional Provisions

The Principal will ensure compliance with OCR regulations when civil rights violations are reported, as follows:

- (1) Once the School knows or reasonably should know of possible student-on-student bullying, cyber-bullying, or hazing, the School must take immediate and appropriate action to investigate.

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- (2) If it is determined that the bullying, cyber-bullying, or hazing of a student did occur as a result of the student's membership in a protected class, the School shall take prompt and effective steps reasonably calculated to:
  - (a) end the bullying, cyber-bullying, or hazing;
  - (b) eliminate any hostile environment; and
  - (c) prevent its recurrence.
- (3) These duties are the School's responsibilities even if the misconduct is also covered by a separate anti-bullying policy and regardless of whether the student makes a complaint, asks the School to take action, or identifies the bullying, cyber-bullying, or hazing as a form of discrimination.

The Principal will take reasonable steps to ensure that any person subjected to prohibited conduct will be protected from further hazing, bullying, cyber-bullying, abusive conduct, and retaliation and that any student or School employee who reports such prohibited conduct will be protected from retaliation.

If the Principal believes that any person who was subjected to or who caused conduct prohibited by this policy would benefit from counseling, the Principal may refer such individuals for counseling.

If the Principal believes that it would be in the best interests of the individuals involved, the Principal may involve the parents or guardians of a student who was subjected to or a student who caused hazing, bullying, cyber-bullying, or retaliation in the process of responding to and resolving conduct prohibited by this policy.

Incidents of bullying, cyber-bullying, hazing, and retaliation will be reported in the School's student information system as required.

## Student Assessment

The Principal or his/her designee will assess the prevalence of bullying, cyber-bullying, hazing, and retaliation in the School, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

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## Training

The Principal will ensure that School students, employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive conduct from individuals qualified to provide such training. The training shall meet the standards established by the Utah State Board of Education's rules and include information on:

- (1) bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
- (2) discrimination under the following federal laws:

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- (a) Title VI of the Civil Rights Act of 1964;
- (b) Title IX of the Education Amendments of 1972;
- (c) Section 504 of the Rehabilitation Act of 1973; and
- (d) Title II of the Americans with Disabilities Act of 1990;

(3) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;

(4) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon ~~race, color, national origin, sex, disability, or religion~~;

(5) the right of free speech and how it differs for students, employees, and parents or guardians; and

(6) safe digital citizenship.

The training will also complement the suicide prevention program required for students under R277-620 and the suicide prevention training required for licensed educators consistent with Section 53G-9-704(1), and also include information on when issues relating to R277-613 may lead to student or employee discipline.

The training shall be offered to:

- (1) new school employees, coaches, and volunteers within the first year of employment or service;
- (2) all School employees, coaches, and volunteers at least once every three years after the initial training; and
- (3) all students (regardless of whether they are involved in athletics or extracurricular activities or clubs) at a frequency determined by the Principal.

In addition to the training requirements described above, any student, employee, or volunteer coach participating in a School sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, shall, prior to participating in the athletic program or activity, participate in bullying, cyber-bullying, hazing, retaliation, and abusive conduct prevention training. This training shall be offered to new participants on an annual basis and to all participants at least once every three years. The School will inform student athletes and extracurricular club members of prohibited activities under R277-613 and potential consequences for violation of the law and the rule.

The School will maintain training participant lists or signatures and provide them to the Utah State Board of Education upon request.

## Liaison to Utah State Board of Education

The Principal or his/her designee shall act as the School's liaison to the Utah State Board of Education regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

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## Distribution of Policy and Signed Acknowledgement

The School will inform students, parents or guardians, School employees, and volunteers that hazing, bullying, cyber-bullying, abusive conduct, and retaliation are prohibited by distributing a copy of this policy to such individuals annually. A copy of this policy will also be posted on the School's website and included in any student conduct or employee handbooks issued by the School.

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On an annual basis, School employees, students who are at least eight years old, and parents or guardians of students shall sign a statement indicating that they have received this policy.

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**Scholar Academy**

**Policy: Hotline Complaint Policy**

**Adopted:** \_\_\_\_\_

**Purpose**

The purpose of this policy is to outline, in accordance with Utah Administrative Code R277-123-7, how Scholar Academy (the “School”) responds to and resolves Utah State Board of Education (“USBE”) public education hotline complaints received as referrals from the USBE Internal Audit Department.

**Policy**

After the School receives a hotline complaint, if contact information for the complainant is available, designated School personnel will contact the complainant promptly and document (a) the School personnel that contacted the complainant; (b) the type of contact made (phone, email, etc.); (c) the date of the contact; and (d) the resolution of the concern or action steps to be taken.

The School will make at least two good faith attempts to contact a complainant when contact information is available.

The School will investigate, respond to, and attempt to resolve hotline complaints in accordance with the requirements set forth in R277-123-7 and School policy. If the School determines that a hotline complaint should have been addressed by way of the School’s applicable grievance policy, the School may inform the USBE Internal Audit Department. To the extent allowed by R277-123 and applicable law, complainants should not use the hotline to bypass the School’s grievance policies.