

# **Advantage Arts Academy Board of Directors Meeting**

**Date:** 11.17.2025

**Time:** 4:30 PM

**Teleconference:** <https://us02web.zoom.us/j/86858632614>



**ADVANTAGE ARTS  
ACADEMY**

## **AGENDA**

---

### **CALL TO ORDER**

### **CONSENT ITEMS**

- September 22, 2025 Board Meeting & Closed Session Minutes

### **PUBLIC COMMENT**

### **REPORTS**

- Director Report
- Finance Report

### **VOTING & DISCUSSION ITEMS**

- Board Member Terms, Roles, & Elected Officers
- Approve LEA License
- Amended Bullying and Hazing Policy
- Amended Paid Parental and Postpartum Recovery Leave Policy
- Amended Selection and Purchase of Instructional Materials Policy
- New Hotline Complaint Policy

### **CALENDARING**

- Next Board meeting is January 19<sup>th</sup>, 2026 at 4:30 PM.
- Spring Board Meeting Time Change

### **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.

# Advantage Arts Academy Board of Directors Meeting

Date: 09.22.2025

Time: 4:30 PM

Teleconference: <https://us02web.zoom.us/j/88384714581>

In Attendance: Jodi Hart-Wilson, Suzy Mortenson, Crystal Thomas, Darren Marshall

Others in Attendance: Kelly Simonsen, Dawn Benke, Heidi Bauerle, David Robertson, Brandon Johnson, Hannah Jones, Chris Joyce



ADVANTAGE ARTS  
ACADEMY

## MINUTES

---

**CALL TO ORDER** Jodi Hart-Wilson called the meeting to order at 4:35 PM.

### CONSENT ITEMS

- July 25, 2025, Board Meeting Minutes  
*Suzy Mortenson made a motion to approve the July 25, 2025, Board Meeting Minutes. Crystal Thomas seconded. The motion passed unanimously. The votes were as follows: Jodi Hart-Wilson, Aye; Suzy Mortenson, Aye; Crystal Thomas, Aye; Darren Marshall, Aye.*

### PUBLIC COMMENT

There were no public comments.

### REPORTS

- Finance Report  
Dawn Benke gave the financial report. Revenue from local sources is higher due to students buying spirit gear and paying ahead for lunches. State revenue is in line with the budget. Expenses are low due to agreements not starting in the middle of August. Comparing to this time last year, operating cash has doubled. Long term liabilities are down to 12.5 percent. There were no questions or concerns from the board.
- Director Report  
Kelly Simonsen shared that enrollment is at 370. She reviewed the special populations of the school with the board. Professional development is continuing with focus on teacher clarity, PLC protocols, and using student data to inform instruction. The school won the Healthy Meals Incentives Award. The 2024-2025 Early Learning Plan was presented with results of the goals that were in the plan. The approved 2025-2026 Early Learning Plan was reviewed with the board. Board member Crystal Thomas suggested possibly setting up a math night event to help with the goal of improving math scores. The school carnival is coming up on October 17<sup>th</sup>.

### VOTING & DISCUSSION ITEMS

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.

- Approve Financing Resolution & Tax Compliance Procedures

David Robertson and Brandon Johnson discussed the Financing Resolution and Tax Compliance Procedures with the board. The board reviewed the documents provided and agreed upon signatures for the documents.

*Darren Marshall made a motion to approve the Financing Resolution & Tax Compliance Procedures and approve Jodi Hart-Wilson and Darren Marshall to sign the documents. Suzy Mortenson seconded. The motion passed unanimously. The votes were as follows: Jodi Hart-Wilson, Aye; Suzy Mortenson, Aye; Crystal Thomas, Aye; Darren Marshall, Aye.*

David Robertson and Brandon Johnson left the meeting at 4:52 PM.

- Approve LEA Specific Licenses

Kelly Simonsen explained the need for the LEA Specific License for the educator listed. There were no questions or concerns for the board.

*Crystal Thomas made a motion to approve the LEA Specific Licenses. Suzy Mortenson seconded. The motion passed unanimously. The votes were as follows: Jodi Hart-Wilson, Aye; Suzy Mortenson, Aye; Crystal Thomas, Aye; Darren Marshall, Aye.*

- Policies for Approval:

- Amended Electronic Resources Policy
- Amended Child Abuse and Neglect Reporting Policy
- Amended Kindergarten Toilet Training Policy
- Amended Weapons on School Property Policy

- Policies & Procedures for Review:

- Review Donations and Fundraising Policy
- Review Wellness Policy
- Review Parent and Family Engagement Policy
- Amended Meal Charge Procedure

Heidi Bauerle informed the board on the changes made to the amended policies listed above. The board had no questions or concerns about the amendments to the policies. The board reviewed the Amended meal charge procedure. The other policies listed above for review were confirmed reviewed by each board member.

*Suzy Mortenson made a motion to approve the Policies listed above. Darren Marshall seconded. The motion passed unanimously. The votes were as follows: Jodi Hart-Wilson, Aye; Suzy Mortenson, Aye; Crystal Thomas, Aye; Darren Marshall, Aye.*

**CLOSED SESSION-** to discuss the purchase, exchange, or lease of real property pursuant to Utah

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.

Code 52-4-205(l)(d).

This item was tabled.

## CALENDARING

The next board meeting is November 17, 2025, at 4:30 PM.

## ADJOURN

*At 5:18 PM Darren Marshall made a motion to adjourn. Suzy Mortenson seconded. The motion passed unanimously. The votes were as follows: Jodi Hart-Wilson, Aye; Suzy Mortensen, Aye; Crystal Thomas, Aye; Darren Marshall, Aye.*

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.





ADVANTAGE ARTS ACADEMY

# DIRECTOR'S REPORT

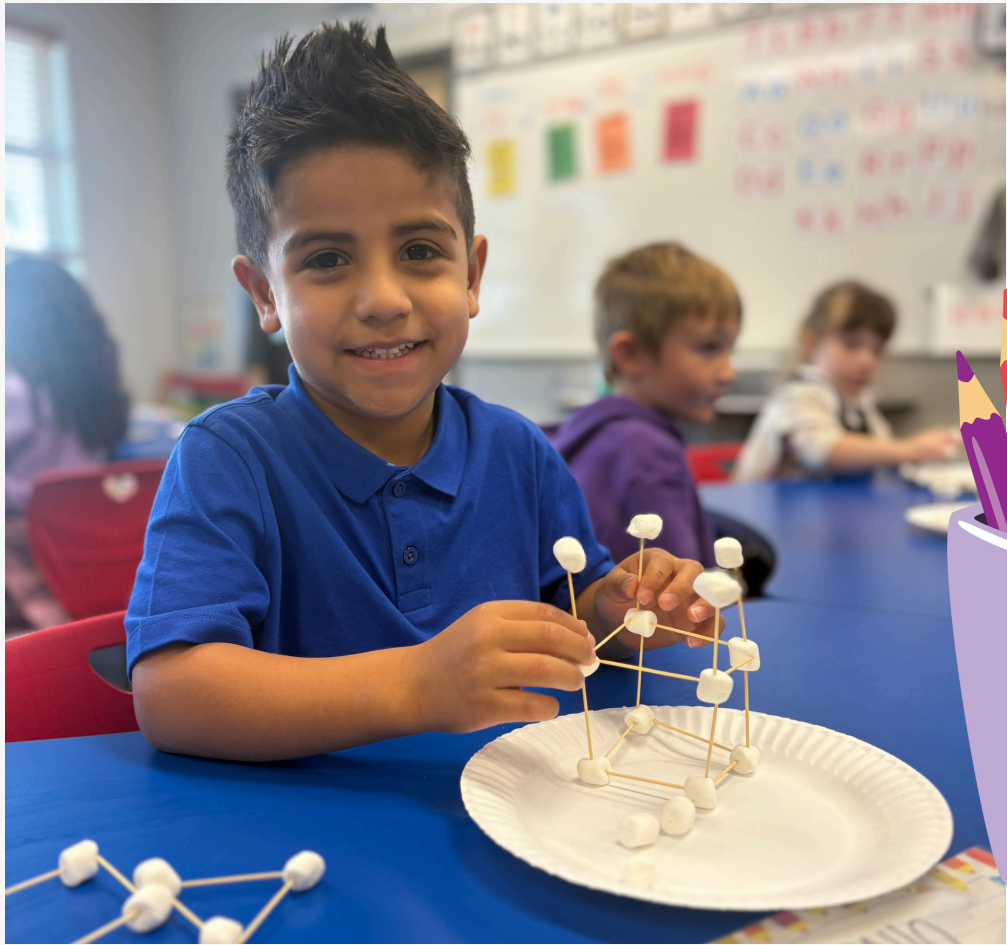
---

NOVEMBER 17, 2025

PREPARED BY KELLY SIMONSEN

# 2025-2026 ENROLLMENT DATA

	Current
Kindergarten	61
1st Grade	55
2nd Grade	52
3rd Grade	51
4th Grade	54
5th Grade	50
6th Grade	41
TOTAL	364



Special Populations	#	%
IEP	73	20%
MLL	85	23%
Total	158	43%

# PROFESSIONAL DEVELOPMENT



---

**Utah State  
Board of  
Education**

---

*Continuing our focus on:*

- *Teacher clarity*
- *PLC protocols*
- *Using student data to inform instruction*

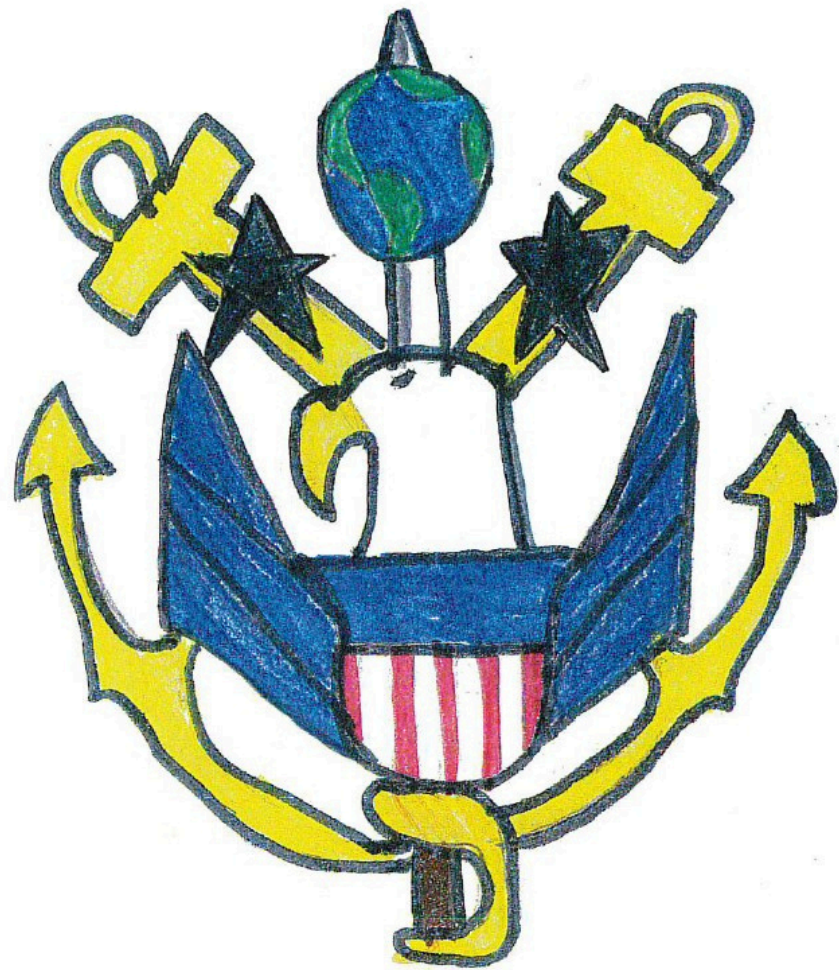
Collaborative Meeting Agenda Analysis Form	Agendas with this Criteria	Total Agendas Analyzed	Percent
<b>Intentional</b>			<b>97.1%</b>
The meeting has clearly defined objectives.	7	7	100.0%
The agenda has time stamps for each part of the meeting.	7	7	100.0%
The meeting agenda indicates clearly defined roles.	7	7	100.0%
The team's guiding practices are apparent in the meeting agenda.	7	7	100.0%
The agenda includes predetermined time management protocols.	6	7	85.7%
<b>Data Driven</b>			<b>82.1%</b>
The meeting agenda includes significant time for data analysis.	7	7	100.0%
The agenda includes predetermined data analysis protocols that start low on the ladder of inference.	7	7	100.0%
The data analyzed was organized and relevant student performance (i.e. CLC) or implementation (i.e. EBIS) data.	7	7	100.0%
The agenda includes explicit analysis of diverse student groups.	2	7	28.6%
<b>Action-Oriented</b>			<b>82.9%</b>
Action items are directly connected to the data analysis in the meeting.	6	7	85.7%
Action items are relevant to EBIS/CLC or other schoolwide, grade level, or department priorities.	6	7	85.7%
Action items are equitably distributed across team members.	5	7	71.4%
Action items/tasks have clear owner(s), deadline(s), and support(s).	6	7	85.7%
The agenda has space to track and reflect on previous action items.	6	7	85.7%
<b>Reflective</b>			<b>71.4%</b>
There is space on the agenda where participants reflect on participation.	5	7	71.4%
There is space on the agenda where participants reflect on the overall team's efforts.	5	7	71.4%
There is space on the agenda where participants identify areas of growth.	5	7	71.4%
The decisions made in the meeting are clearly connected to improved student outcomes.	5	7	71.4%



★ ★ ★ ★ ★

# VETERANS DAY

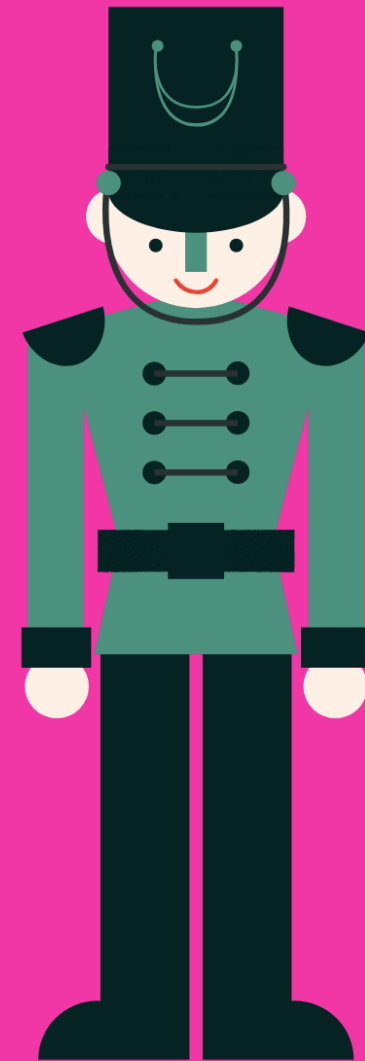
*November 11th*











*You are cordially invited to our  
school performance of*

**The  
NUTCRACKER**



**Tuesday December 16**

Families with last names A-L join us at 9:00  
Families with last names M-Z join us at 10:00.



**Don't forget  
to RSVP!**



**[HTTPS://TINYURL.COM/32YMBVR2](https://tinyurl.com/32YMBVR2)**

# Advantage Arts Academy Statement of Activities

Created on November 10, 2025

For Prior Month

Reporting Book:

As of Date:

Location:

ACCRUAL

11/10/2025

Advantage Arts Academy

	Annual June 30, 2026	Year-to-Date October 31, 2025	
	Budget	Actual	% of Budget
<b>Net Income</b>			
Income			
Revenue From Local Sources	104,290	49,229	47.2 %
Revenue From State Sources	4,336,665	1,510,890	34.8 %
Revenue From Federal Sources	223,584	16,582	7.4 %
Revenue from Other Sources	0	309,040	0.0 %
Total Income	4,664,539	1,885,741	40.4 %
Expenses			
Instruction/Salaries	1,938,558	440,209	22.7 %
Employee Benefits	451,945	86,516	19.1 %
Purchased Prof & Tech Serv	454,910	144,482	31.8 %
Purchased Property Services	143,762	42,790	29.8 %
Other Purchased Services	200,750	70,489	35.1 %
Supplies & Materials	230,668	93,796	40.7 %
Property	95,000	0	0.0 %
Debt Services & Miscellaneous	986,471	551,421	55.9 %
Total Expenses	4,502,064	1,429,703	31.8 %
<b>Total Net Income</b>	<b>162,475</b>	<b>456,038</b>	<b>280.7 %</b>



**Advantage Arts Academy**  
**Statement of Financial Position**  
**Created on November 10, 2025**  
**For Prior Month**

Reporting Book:  
As of Date:  
Location:

ACCRUAL  
11/10/2025  
Advantage Arts Academy

	Period Ending 10/31/2025	Period Ending 10/31/2024
	Actual	Actual
<b>Assets &amp; Other Debits</b>		
Current Assets		
Operating Cash	937,950	371,604
Accounts Receivables	475	808
Total Current Assets	938,425	372,412
Restricted Cash	114,903	0
Net Assets		
Fixed Assets	12,678,173	12,645,838
Depreciation	(1,070,699)	(757,351)
Total Net Assets	11,607,474	11,888,487
<b>Total Assets &amp; Other Debits</b>	<b>12,660,802</b>	<b>12,260,899</b>
<b>Liabilities &amp; Fund Equity</b>		
Current Liabilities	33,492	23,025
Long-Term Liabilities	12,553,626	12,729,696
Fund Balance	(423,850)	(616,377)
Net Income	497,534	124,555
<b>Total Liabilities &amp; Fund Equity</b>	<b>12,660,802</b>	<b>12,260,899</b>

## ADVANTAGE ARTS ACADEMY BOARD MEMBER TERMS



### **Board terms:**

1. Suzy Mortenson (President)
  - a. Term Expires: 06/30/2028
2. Darren Marshall (Financial Coordinator)
  - a. Term Expires: 06/30/2028
3. Crystal Thomas (Vice President)
  - a. Term Expires: 06/30/2028
4. Meche Mellor (Board Member)
  - a. Term Expires: 11/17/2028
5. Chris Joyce (Board Member)
  - a. Term Expires: 11/17/2028



# ADVANTAGE ARTS

## ACADEMY

November 17, 2025

Dear Superintendent,

The Advantage Arts Academy Board of Directors approved LEA-Specific educator license(s) to **one** (1) individual in a public meeting held on **November 17, 2025**. The license areas, and endorsements shall be valid for three (3) 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 30<sup>th</sup> of the final academic year approved.

Advantage Arts Academy Board of Directors' 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://advantagearts.org/policies-guidelines>.
- 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 1st 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.
- **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 **Advantage Arts Academy Board of Directors** 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,

**Jodi Hart Wilson**

LEA Governing Body Chairperson

SY25-26 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 Language Therapist

LEA (District or Charter) Name	Date LEA's Board Met	CACTUS ID	Last Name	First Name	Is this a RENEWAL Request from SY25- 26? (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)	Pedagogical Modules Completed and certificate received? (Y/N)	LEA Application Received? (Y/N)	CPR Cert # PE ONLY
Granite SD	1/5/21	999999	Example	Educator	N	Secondary	Math Level 3	Chemistry		Educator is enrolling in EPP Fall 2021 She is a Registered Behavior Technician and is enrolled at WGU in the dual certification program for Special Education and Gen Ed.	Y	Y	Y	Y	Y	Y	N/A
Advantage Arts Academy	11/17/25	810395	Maag (Lester)	Emma	N	Elementary					Y	N	Y	Y	Y	Y	N/A

## AAA 11.17.2025 Policy Summary Sheet

### Amending Paid Parental and Postpartum Recovery Leave Policy

This policy is being revised to clarify that the maximum paid postpartum recovery leave period is 3 calendar weeks and the maximum paid parental leave period is 15 contract days. The revisions specify how the leave periods work and whether non-contracted workdays occurring during the leave period count or do not count toward the applicable and allotted leave period.

### 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.

### 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.

### Amending Instructional Materials Policy

HB 21 from the 2025 legislative session renumbered various parts of the criminal code, including the definitions of "objective sensitive material" and "subjective sensitive material." Those definitions are included in the school's Instructional Materials Policy and the USBE has asked schools to update their policies with the correct/updated code citations. The proposed revisions to the policy include only the updated code citations. No other changes have been made to the policy.

## Bullying and Hazing Policy

Approved: \_\_\_\_\_

Deleted: October 28, 2024

### Purpose

The purpose of this policy is to prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct involving Advantage Arts 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.

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,

**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 indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation

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



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;  
(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;

**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 1990, which prohibit discrimination on the basis of disability.¶

¶  
(4) Other areas included under these acts which include religion, gender, and sexual orientation.¶

- (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).

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
- (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.

Deleted: and will

Deleted: have

The School will investigate these alleged incidents by interviewing:

(1) the individual who was allegedly targeted;

Deleted: students

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

Deleted: subjected to the alleged incident

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

Deleted: subjected to the alleged incident

(4) any witnesses;

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

Deleted: subjected to the alleged incident

(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

Deleted: take positive restorative justice practice action

(2) provide supportive services designed to preserve the student's access to educational opportunities and a sense of safety.

Deleted: ; or  
(3) → develop a communication process.

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 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

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:

Deleted: to whom the incident was directed

- (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.

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
- (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

Deleted: ¶

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.
- (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.

#### 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:
  - (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;

Deleted: Subject to the parental consent requirements of Utah Code § 53E-9-203, t

Deleted: solicit student

Deleted: ments of

Deleted: and

Deleted: the students' or employees' actual or perceived characteristics, including

Deleted: , gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes

Deleted: and

(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.

#### 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.

Deleted: Principal

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.

### **Paid Parental and Postpartum Recovery Leave**

In accordance with Utah Code § 53G-11-209, the School offers qualified employees paid parental and postpartum recovery leave to enable employees to care for and bond with their new child and to recover from childbirth. This policy is effective July 1, 2025.

#### **Definitions**

For purposes of this policy:

“Parental leave” means leave hours the School provides to a parental leave eligible employee.

“Parental leave eligible employee” means a School employee who receives regular paid personal time off (PTO) benefits from the School and is:

- (a) a birth parent as defined in Utah Code § 78B-6-103;
- (b) legally adopting a minor child, unless the individual is the spouse of the pre-existing parent;
- (c) the intended parent of a child born under a validated gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement;
- (d) appointed the legal guardian of a minor child or incapacitated adult; or
- (e) a foster parent of a minor child.

“Postpartum recovery leave” means leave hours the School provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.

“Postpartum recovery leave eligible employee” means an employee:

- (a) who receives regular paid personal time off (PTO) benefits from the School; and
- (b) who gives birth to a child.

“Qualified employee” means:

- (a) a parental leave eligible employee; or
- (b) a postpartum recovery leave eligible employee.

“Retaliatory action” means to do any of the following regarding an employee:

- (a) dismiss the employee;
- (b) reduce the employee’s compensation;
- (c) fail to increase the employee’s compensation by an amount to which the employee is otherwise entitled to or was promised;
- (d) fail to promote the employee if the employee would have otherwise been promoted; or
- (e) threaten to take an action described immediately above.

#### **Paid Parental Leave**

The School allows a parental leave eligible employee to use up to 15 contracted workdays of paid parental leave for:

- (a) the birth of the parental leave eligible employee’s child;
- (b) the adoption of a child;
- (c) the appointment of legal guardianship of a child or incapacitated adult; or

Deleted: three work weeks (

Deleted: )

(d) the placement of a foster child in the parental leave eligible employee's care.

Parental leave as described above:

- (a) may not be used before the day on which:
  - (1) the parental leave eligible employee's child is born;
  - (2) the parental leave eligible employee adopts a child;
  - (3) the parental leave eligible employee is appointed legal guardian of a child or incapacitated adult; or
  - (4) a foster child is placed in the parental leave eligible employee's care;
- (b) may not be used more than six months after the date described immediately above;
- (c) shall be used in a single continuous period, unless:
  - (1) by mutual written agreement between the School and the parental leave eligible employee; or
  - (2) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the child;
- (d) runs concurrently with FMLA leave, if applicable to the parental leave eligible employee; and
- (e) runs consecutively to postpartum recovery leave, if applicable to the parental leave eligible employee.

Deleted: may not be used intermittently

A parental leave eligible employee's paid parental leave does not increase if the parental leave eligible employee:

- (a) has more than one child born from the same pregnancy;
- (b) adopts more than one child;
- (c) has more than one foster child placed in the parental leave eligible employee's care; or
- (d) is appointed legal guardian of more than one child or incapacitated adult.

A parental leave eligible employee may not use more than 15 contracted workdays of paid parental leave within a single 12-month period, regardless of whether during that 12-month period the parental leave eligible employee:

- (a) becomes the parent of more than one child;
- (b) adopts more than one child;
- (c) has more than one foster child placed in the parental leave eligible employee's care; or
- (d) is appointed legal guardian of more than one child or incapacitated adult.

Deleted: three work weeks (

Deleted: )

### **Paid Postpartum Recovery Leave**

The School allows a postpartum recovery leave eligible employee to use up to three calendar weeks of paid postpartum recovery leave for recovery from childbirth that occurs at 20 weeks or greater gestation.

Deleted: work

Deleted: (15 workdays)

Postpartum recovery leave as described above:

- (a) shall be used starting on the day on which the postpartum recovery leave eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary;
- (b) shall be used in a single continuous period, unless otherwise authorized in writing by the Principal;

- (c) runs concurrently with FMLA leave, if applicable to the postpartum recovery leave eligible employee; and
- (d) runs consecutively to parental leave.

A postpartum recovery leave eligible employee's paid postpartum recovery leave does not increase if the postpartum recovery leave eligible employee has more than one child born from the same pregnancy.

### **Leave Period**

The maximum amount of paid postpartum recovery leave available to qualified employees under this policy is three calendar weeks. Any non-contracted workdays (such as holidays, days during summer break, etc.) that occur during a qualified employee's paid postpartum recovery leave count toward the three-calendar week leave period.

The maximum amount of paid parental leave available to qualified employees under this policy is 15 contracted workdays. Any non-contracted workdays (such as holidays, days during summer break, etc.) that occur during a qualified employee's paid parental leave do not count toward the 15-contracted workday leave period.

### **Notice of Plan to Take Leave**

Qualified employees shall give the School's Principal notice at least 30 days before the day on which the qualified employee plans to:

- (a) begin using parental leave or postpartum recovery leave; and
- (b) stop using postpartum recovery leave.

If circumstances beyond the qualified employee's control prevent the qualified employee from giving notice as described above, the qualified employee shall give the School each notice described above as soon as reasonably practicable.

All such notices shall be reviewed by the Principal. If the employee providing notice does not meet the definition of a qualified employee under this policy (and is therefore not entitled to paid parental or postpartum recovery leave), the Principal shall inform the employee. Employees may be required to provide documentation supporting the need for parental or postpartum recovery leave.

### **Other Leave**

Except with respect to FMLA leave, the School may not charge parental leave or postpartum recovery leave against a qualified employee's regular paid personal time off (PTO) or any other leave a qualified employee is entitled to under the School's leave policies.

### **Employee Benefits During Leave**

During the time a qualified employee uses parental leave or postpartum recovery leave, the qualified employee shall continue to receive all employment related benefits and payments at the same level that the qualified employee received immediately before beginning the parental leave

or postpartum recovery leave, provided that the qualified employee pays any required employee contributions.

#### **Employee Position after Leave**

Following the expiration of a qualified employee's parental leave or postpartum recovery leave, the School shall ensure that the qualified employee may return to:

- (a) the position that the qualified employee held before using parental leave or postpartum recovery leave; or
- (b) a position within the School that is equivalent in seniority, status, benefits, and pay to the position that the qualified employee held before using parental leave or postpartum recovery leave.

Despite the foregoing, if during the time a qualified employee uses parental leave or postpartum recovery leave the School experiences a reduction in force and, as part of the reduction in force, the qualified employee's employment would have been terminated had the qualified employee not been using the parental leave or postpartum recovery leave, the School may terminate the qualified employee's employment in accordance with any applicable process or procedure as if the qualified employee were not using the parental leave or postpartum recovery leave. In addition, upon termination of a qualified employee's employment (for any reason), the employee is not entitled to be paid for any unused parental leave or postpartum recovery leave.

#### **Retaliatory Action**

The School may not interfere with or otherwise restrain a qualified employee from using parental leave or postpartum recovery leave in accordance with this policy. In addition, the School may not take retaliatory action against a qualified employee for using parental leave or postpartum recovery leave in accordance with Utah Code § 53G-11-209.

#### **Part-Time Qualified Employees**

In the event a qualified employee of the School is also a part-time employee, the employee shall be allowed to use the amount of parental leave or postpartum recovery leave available to the qualified employee under this policy on a pro rata basis.

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

Approved: 08.22.2024

Revised: March 18, 2024

### Purpose

The purpose of this policy is to establish the parameters by which Advantage Arts Academy (the "School") will select, approve, and purchase instructional materials. The purpose of this policy and accompanying procedures is to also set forth the School's process for reviewing challenges to instructional materials.

### Definitions

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

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

"Objective sensitive material" means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code § 76-5c-208, under the non-discretionary standards described in Utah Code § 76-5c-207(1)(a)(i), or (ii), or (iii).

Deleted: 76-10-1235

Deleted: 76-10-1227

"Subjective sensitive material" means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code § 76-5c-208, under the following factor-balancing standards:

Deleted: 76-10-1235

- (a) material that is harmful to minors under Utah Code § 76-5c-101;
- (b) material that is pornographic under Utah Code § 76-5c-101; or
- (c) material that includes certain fondling or other erotic touching under Utah Code § 76-5c-207(1)(a)(i)(C)-(D).

Deleted: 76-10-1201

Deleted: 76-10-1203

Deleted: 76-10-1227(a)(iv)

"School community parent" means a parent who has a student currently attending the School, or will have a student enrolled in the School within one year, where the



challenged instructional material is being reviewed in accordance with this policy and Utah Code § 53G-10-103(4).

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

“Stakeholder” for purposes of this policy means:

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

## **Policy**

The School shall comply with the requirements of Utah law and Utah State Board of Education (“USBE”) rule regarding the selection, approval, 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 Principal

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

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

The Principal shall involve School community parents and instructional staff in the consideration of instructional materials. The Principal has discretion as to how to involve such parents and instructional staff in this process.

#### Selection and Approval of Instructional Materials by the Board

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

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

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

In accordance with Utah Code § 53G-5-404(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 Principal 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 Principal or by the Board. The School shall identify

all costs associated with instructional materials prior to purchasing the instructional materials, including any implementation and professional development costs.

#### Educator Selection of Additional Supplemental Materials or Resources

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

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

#### Contract Requirements

If the School contracts with a third party to provide online or digital materials, the School shall include in the contract a requirement that the provider give notice to the School any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events. The School shall also comply with applicable requirements in R277-469 related to School contracts with publishers for instructional materials.

#### Sensitive Material Review Procedures

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

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

## **Administrative Procedures Sensitive Material Review**

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

### **Sensitive Material Review Process**

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

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

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

#### Step One – Initial Review

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

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

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

- (ii) If the School determines that the challenged instructional material constitutes objective sensitive material, the School shall ensure that the material remains inaccessible to students in any School setting;

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

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

Miscellaneous Review Rules

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

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

Communication

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

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

- (a) within 30 school days of the final determination; or

- (b) if an appeal is in process, at the conclusion of the appeal.

#### Appeal

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

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

#### **Removing Instructional Materials That Constitute Sensitive Material**

##### Removing Instructional Material if State Threshold is Met

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

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

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

##### Removing Instructional Material After Sensitive Material Review

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

##### Disposal of Instructional Material

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

- (a) physically remove the sensitive material from the School;
- (b) remove all access by students to the sensitive material;
- (c) communicate with the relevant vendors and publishers regarding the School's decision;
- (d) legally dispose of the sensitive material; and
- (e) not sell or distribute the sensitive material.

## Sensitive Material Review Request Form

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

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

### Information about Requestor:

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

### Information about Review Request:

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

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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



## Sensitive Material Appeal Request Form

### Instructions:

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

### Information about Requestor:

- 1) Name:
- 2) Phone:
- 3) Address:
- 4) Email:
- 5) Date you received the School's written decision on your sensitive material review request:  
\_\_\_\_\_
- 6) Are you a student of Advantage Arts Academy?      Yes      No
- 7) Are you a parent of a student of Advantage Arts Academy?      Yes      No
- 8) Are you an employee of Advantage Arts Academy?      Yes      No
- 9) Are you a board member of Advantage Arts Academy?      Yes      No

### Information about Challenged Instructional Material:

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

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

**Advantage Arts Academy**  
**Policy: Hotline Complaint Policy**  
**Approved: \_\_\_\_\_, 20\_\_\_\_**

**Purpose**

The purpose of this policy is to outline, in accordance with Utah Administrative Code R277-123-7, how Advantage Arts Academy (the "School") responds to and resolves Utah State Board of Education ("USB") public education hotline complaints received as referrals from the USB 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 USB 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.