



Dixton

**5th Grade - Cardenas & Shupe**

***Celebration of Learning***

## EL Education Module 2: Biodiversity in the Rainforest

# Guardians of the Green

# Integration Across Multiple Disciplines

- Science
- Math
- Art
- Technology
- ELA
  - Reading
  - Writing
  - Speaking/Listening
  - Vocabulary



## Student Favorites and Explanation of Artifacts

- Over 29 Artifacts.
- Students selected 1 to showcase to for the SCHOOL Celebration of Learning (Museum).
- Students selected 3 artifacts of the total (AND the e-book narrative) to showcase for their parents/families at the HOME Celebration of Learning.







# ENTHEOS ACADEMY

EXCELLENCE • SERVICE • LEADERSHIP

## 6202 SCHOOL INSTRUCTION FOR SEX EDUCATION

### **Purpose**

It is the position of Entheos Academy that it is the primary responsibility of parents to provide sex education for their children. It is the responsibility of the schools to provide supportive instruction that will complement the efforts in the home. The Board authorizes the District Administration to conduct non-discriminatory health, family life, and character instruction within the framework of guidelines established by the State Board of Education. Schools will provide instruction in community and personal health, physiology, personal hygiene, prevention of communicable diseases, refusal skills, and the harmful effects of pornography according to guidelines established by the Utah State Board of Education, as approved by the Entheos Academy Board of Directors.

### **Policy**

Each elementary school shall plan an elective maturation program for each fifth-grade girl and her parents and each fifth-grade boy and his parents. The primary purposes of the program will be to provide accurate information about sexual development and to encourage discussion in the home.

Parent approval shall be obtained by teachers in writing, using the Utah State Board of Education consent form.

The materials used in school presentations will be medically accurate and aligned with the State's Core Health Curriculum. These materials will be available to parents upon request before the presentations take place. Only Utah State Board of Education recommended materials that have been approved by the Entheos Board of Directors will be used.

District Administration will form an ad hoc Sex Education Materials Review Committee annually. The committee's membership will align with the requirements set forth in USBE [Board Rule R277-474](#).

The committee will review all educational materials and present the approved list to the Entheos Board of Directors for approval.

**ENTHEOS BOARD POLICY – APRIL 26, 2018**

**UPDATED OCTOBER 23, 2018; APPROVED NO CHANGES MARCH 21, 2019; UPDATED APRIL 23, 2020 UPDATED NOVEMBER 16, 2022; UPDATED MARCH 27, 2025**

## **6202 School Instruction for Sex Education**

The Entheos Board of Directors encourages parents to take the opportunity to discuss sex education with their children in the manner and at the time that they feel most appropriate for their child(ren).

# ENTHEOS ACADEMY SPECIAL EDUCATION POLICIES AND PROCEDURES MANUAL

COMBINATION SLD ELIGIBILITY METHOD

**April 7, 2023**

# Table of Contents

<b>I. General Provisions.....</b>	<b>8</b>
I.A. Purposes (34 CFR § 300.1; Rules I.A.)	8
I.B. Definitions as Used in These Rules (34 CFR §§ 300.4–300.45; Rules I.E.)	8
I.C. Full Educational Opportunity Goal (34 CFR § 300.109; Rules IX.A.2.d.(2)(c))	8
I.D. Methods of Ensuring Services (34 CFR § 300.154; Rules IX.A.2.d.(2)(m))	9
<b>II. Identification, Location, and Evaluation.....</b>	<b>10</b>
II.A. Child Find System (34 CFR §§ 300.109, 300.111; Rules II.A.)	10
II.B. Referral (34 CFR § 300.301; Rules II.B.)	11
II.C. Parental Consent (34 CFR § 300.300; Rules II.C.)	12
II.D. Initial Evaluation (34 CFR § 300.301; Rules II.D.)	15
II.E. Screening for Instructional Purposes (34 CFR § 300.302; Rules II.E.)	17
II.F. Evaluation Procedures (34 CFR § 300.304; Rules II.F.)	17
II.G. Reevaluation Procedures (34 CFR § 300.303; Rules II.G.)	20
II.H. Additional Requirements for Initial Evaluations and Reevaluation Procedures (34 CFR § 300.305; Rules II.H.)	20
II.I. Determination of Eligibility (34 CFR § 300.306; Rules II.I.)	22
II.J. Categorical Definitions, Criteria, and Assessments (34 CFR § 300.8; 34 CFR § 300.304 34 CFR § 300.306; Rules II.J.)	23
<b>III. IEP Development and Service Delivery.....</b>	<b>31</b>
III.A. Individualized Education Program (IEP) (Rules III.A.)	31
III.B. When IEPs Must Be In Effect (34 CFR § 300.323; Rules III.B.)	31
III.C. Students Who Transfer (34 CFR § 300.323; Rules III.C.)	31
III.D. LEA Responsibility for IEP Meetings (34 CFR § 300.323(C)(1); Rules III.D.)	33
III.E. IEP Team Membership (34 CFR § 300.321; Rules III.E.)	33
III.F. IEP Team Attendance (34 CFR § 300.321; Rules III.F.)	35
III.G. Parent Participation (34 CFR § 300.322; Rules III.G.)	35

## Students with Disabilities in Other Settings

III.H. Notice of Meeting (34 CFR § 300.322; Rules III.H.)	37
III.I. Development, Review, and Revision of the IEP (34 CFR § 300.324; Rules III.I.)	37
III.J. Definition of the Individualized Education Program (IEP) (34 CFR § 300.320; Rules III.J.)	42
III.K. Physical education 34 CFR § 300.108 (Rules III.L.)	45
III.L. Assistive Technology (34 CFR § 300.105; R277-495; Rules III.M.)	46
III.M. Extended School Year (ESY) Services (34 CFR § 300.106; R277-751; Rules III.N.)	46
III.N. Least Restrictive Environment (LRE) (34 CFR § 300.114; Rules III.O.)	47
III.O. Inclusionary Practices to Provide a Full Educational Opportunity (34 CFR § 300.109; Rules III.P.)	48
III.P. Continuum of Alternative Placements (34 CFR § 300.115; Rules III.Q.)	48
III.Q. Placements (34 CFR § 300.116; Rules III.R.)	49
III.R. Parental Involvement in Placement Decisions (34 CFR §§ 300.327, 300.501; Rules III.S.)	49
III.S. Nonacademic Settings and Extracurricular Activities (34 CFR § 300.117; UCA 53G-6-709; Rules III.T.)	50
III.T. Nonacademic Services (34 CFR § 300.107; Rules III.U.)	51
<b>IV. Procedural Safeguards Due Process Procedures for Parent(s) and Students (IDEA Subpart E).....</b>	<b>52</b>
IV.A. Parental Opportunity to Examine Records and Participate in Meetings (34 CFR § 300.501; Rules IV.A.)	52
IV.B. Independent Educational Evaluation (34 CFR § 300.502; Rules IV.B.)	53
IV.C. Prior Written Notice (34 CFR § 300.503; Rules IV.C.)	55
IV.D. Procedural Safeguards Notice (34 CFR § 300.504; Rules IV.D.)	56
IV.E. State Complaint Procedures (34 CFR § 300.151–153; Rules IV.E.)	58
IV.F. Mediation (34 CFR § 300.506; Rules IV.F.)	58
IV.G. Filing a Due Process Complaint (34 CFR § 300.507; UCA 53E-7-208; Rules IV.G.)	58

## Students with Disabilities in Other Settings

IV.H. Due Process Complaint (34 CFR § 300.508; Rules IV.H.)	58
IV.I. Resolution Process (34 CFR § 300.510; Rules IV.J.)	59
IV.J. Impartial Due Process Hearing (34 CFR § 300.511; Rules IV.K.)	59
IV.K. Hearing Rights (34 CFR § 300.512; Rules IV.L.)	59
IV.L. Hearing Decisions (34 CFR § 300.513; Rules IV.M.)	59
IV.M. Finality of Decision (34 CFR § 300.514; Rules IV.N.)	59
IV.N. State Enforcement Mechanisms (34 CFR § 300.537; Rules IV.O.)	59
IV.O. Timelines and Convenience of Hearings (34 CFR § 300.515; Rules IV.P.)	59
IV.P. Civil Action (34 CFR § 300.516; Rules IV.Q.)	59
IV.Q. Attorney's Fees (CFR §300.517; UCA 53E-7-208(4)(B); Rules IV.R.)	60
IV.R. Student's Status During Proceedings (34 CFR § 300.518; Rules IV.S.)	60
IV.S. Surrogate Parents (34 CFR § 300.519; Rules IV.T.)	60
IV.T. Transfer of Parental Rights at Age of Majority (34 CFR § 300.520; Rules IV.U.)	61
IV.U. Confidentiality of Information (34 CFR §§ 300.610–300.626; R277-487; Rules IV.V.)	62
<b>V. Discipline Procedures (34 CFR § 300.530).....</b>	<b>66</b>
V.A. Discipline Procedures for Students with Disabilities (Rules V.A.)	66
V.B. Authority of School Personnel (34 CFR § 300.530(A–C); Rules V.B.)	66
V.C. Services (34 CFR § 300.530(D); Rules V.C.)	67
V.D. Change of Placement Due to Disciplinary Removals (34 CFR § 300.536; Rules V.D.)	67
V.E. Manifestation of Determination (34 CFR § 300.530(E–G, I); Rules V.E.)	69
V.F. Procedural Safeguards Notice (34 CFR § 300.530(H); Rules V.F.)	71
V.G. Determination of Setting (34 CFR § 300.531; Rules V.G.)	71
V.H. Appeals by Parent or LEA (34 CFR § 300.532; Rules V.H.)	71
V.I. Placement During Appeals (34 CFR § 300.533; Rules V.I.)	73

V.J. Protections for Students Not Determined Eligible for Special Education and Related Services (34 CFR § 300.534; Rules V.J.)	73
V.K. Referral To and Action By Law Enforcement and Judicial Authorities (34 CFR § 300.535; Rules V.K.)	75
<b>VI. Students with Disabilities in Other Settings.....</b>	<b>76</b>
VI.A. Private School Placements by LEAs (34 CFR § 300.325; Rules VI.A.)	76
VI.B. Students with Disabilities Enrolled by Their Parent(s) in Private Schools When FAPE is Not at Issue (Unilateral Placement) (34 CFR § 300.130; Rules VI.B.)	76
VI.C. Students with Disabilities Enrolled by Their Parent(s) in Private Schools When FAPE is at Issue (34 CFR § 300.148; Rules VI.C.)	76
VI.D. Students with Disabilities Enrolled in Home School (Rules IV.D.)	76
VI.E. Students with Disabilities Enrolled in Adult Education (R277-733; UCA 53E-10-205; Rules VI.E.)	78
VI.F. Students with Disabilities Enrolled in Virtual Settings (Rules VI.F.)	78
VI.G. Students with Disabilities Convicted as Adults and Incarcerated in Adult Prisons (34 CFR § 300.324; Rules VI.J.)	78
VI.H. Students with Disabilities Who are Also in State Custody/Care (R277-709; UCA 62A-4A-701; Rules VI.K.)	78
VI.I. Students with Disabilities Who Reside in Nursing Homes (Rules VI.L.)	78
<b>VII. Postsecondary Transitions.....</b>	<b>79</b>
VII.A. Postsecondary Transition Services—School to Post-School (Rules VII.B.)	79
VII.B. Graduation (UCA 53E-7-202; R277-705; Rules VII.C.)	85
VII.C. Termination of Services Upon Reaching Age 22 (UCA 53E-7-201; R277-419-2(23)(B); Rules VII.D.)	85
<b>VIII. Responsibilities of the Utah State Board of Education.....</b>	<b>86</b>
VIII.A. General Supervisory Authority (Rules VIII.A.)	86
VIII.B. State Eligibility (Rules VIII.B.)	86
VIII.C. USBE Program Monitoring (Rules VIII.D.2-3.)	87
VIII.D. Personnel Qualifications (34 CFR § 300.156; Rules VIII.K.3-5.)	87

VIII.E. Reporting on Suspension and Expulsion Rates (34 CFR § 300.170; Rules VIII.M.)	89
VIII.F. Prohibition on Mandatory Medication (34 CFR § 300.174; Rules VIII.X.)	90
<b>IX. LEA Eligibility and Responsibilities.....</b>	<b>91</b>
IX.A. LEA Eligibility for IDEA Part B Funds (34 CFR §§ 300.211–212, 220; Rules IX.A.)	91
IX.B. Use of Part B Federal Funds by the LEA (34 CFR §§ 300.200–206, 208; Rules IX.B.)	92
IX.C. Charter Schools and Their Students (34 CFR § 300.209; Rules IX.C.)	98
IX.D. Coordinated Early Intervening Services (CEIS) (34 CFR § 300.226; Rules IX.D.)	99
IX.E. Personnel Development (34 CFR § 300.207; Rules IX.E.)	100
IX.F. Funded Prevalence of Disabling Conditions (UCA 53F-2-307; Rules IX.F.)	100
IX.G. LEA Provision of FAPE (34 CFR § 300.101; Rules IX.G.)	100
IX.H. Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices (34 CFR § 300.113; Rules IX.H.)	101
IX.I. Educator License Requirements (R277-301, R277-304, R277-306, and R277-320; Rules IX.I.)	101
IX.J. Purchase of Instructional Material in Accessible Formats (34 CFR § 300.210; Rules IX.J.)	102
<b>X. Special Education Funding.....</b>	<b>104</b>
X.A. State Special Education Funds Generally (UCA 53F-2-307; Rules X.A.1-2.)	104
X.B. Allocation of State Special Education Funds for Programs for Students with Disabilities (UCA 53F-2-307; R277-479; Rules X.B.3.)	105
X.C. Special Education Add-On Allowable Use (Fund1205) (UCA 53F-2-307(1); Rules X.C.)	106
X.D. Special Education Self-Contained Allowable Use (Fund 1210) (UCA 53F-2-307, -308(3); Rules X.E.)	106

## Students with Disabilities in Other Settings

X.E. State Special Education Impact Aid Allowable Use (Fund 1225) (UCA 53F-2-307(1); Rules X.I.)	106
X.F. State Special Education Extended School Year (ESY) Allowable Use (Fund 1220) (UCA 53F-2-308(2); Rules X.K.)	106
X.G. State Extended School Year Stipend For Special Educators (EYSE) Allowable Use (Fund 1278) (UCA 53F-2-310; Rules X.M.)	107
X.H. State Special Education Intensive Services Allowable Use (Fund 1230) (UCA 53F-2-309(1); Rules X.O.)	107
X.I. State Special Education Funds Allowable Use (UCA 53F-2-307; Rules X.P.)	107
X.J. Allowable Costs for Federal (IDEA) Special Education Funds (Rules X.R.1., 4-8.)	108

## I. General Provisions

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

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

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

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

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

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

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

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

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

## II. Identification, Location, and Evaluation

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

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

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

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

1. Consistent with the consent requirements in Rules II.C., either a parent or the student who is an adult or an LEA may initiate a request for an initial evaluation to determine if a student is a student with a disability under Part B of the IDEA and the Rules. Upon receipt of a request for an evaluation, Entheos Academy must respond within a reasonable timeframe. The response may not be delayed due to Entheos Academy’s Response to Intervention process.

2. Entheos Academy shall provide an initial special education assessment for children who enter the custody of the Division of Child and Family Services (DCFS), upon request by that division and the LEA obtains appropriate parental consent for the evaluation for children whose school records indicate that they may have disabilities requiring special education services.

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

1. Parental consent for initial evaluation.
  - a. The LEA proposing to conduct an initial evaluation to determine if a student qualifies as a student with a disability under the Rules must, after providing prior written notice to the parent or student who is an adult, obtain informed consent, consistent with Rules I.E.9, from the parent of the student or the student who is an adult before conducting the evaluation.
    - (1) Consent from a parent or student who is an adult for initial evaluation must not be construed as consent for initial provision of special education and related services.
    - (2) Entheos Academy must make reasonable efforts to obtain informed consent from the parent or student who is an adult for an initial evaluation to determine whether the student is a student with a disability.
    - (3) When conducting psychological evaluations, Entheos Academy must implement the parental or student who is an adult consent requirements of UCA 53E-9-203 (Student Privacy and Data Protection).
  - b. For initial evaluations only, if the student is a ward of the State and is not residing with the student's parent(s), Entheos Academy is not required to obtain informed consent from the parent for an initial evaluation to determine whether the student is a student with a disability if:
    - (1) Despite reasonable efforts to do so, Entheos Academy cannot discover the whereabouts of the parent(s) of the student;
    - (2) The rights of the parent(s) of the student have been terminated in accordance with State law; or

- (3) The rights of the parent(s) to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.
  - c. If the parent(s) of a student or a student who is an adult enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation, or fails to respond to a request to provide consent, Entheos Academy may, but is not required to, pursue the initial evaluation of the student by utilizing the procedural safeguards or the due process procedures in Section IV of the Rules.
    - (1) Entheos Academy does not violate its obligation under the child find provisions of the Rules if it declines to pursue the evaluation by utilizing the procedural safeguards or the due process procedures.
2. Parental consent for services.
- a. Entheos Academy that is responsible for making a FAPE available to a student with a disability must obtain informed consent from the parent(s) of the student or student who is an adult before the initial provision of special education and related services to the student.
  - b. Entheos Academy must make reasonable efforts to obtain informed consent from the parent(s) or student who is an adult for the initial provision of special education and related services to the eligible student with disabilities.
  - c. If the parent(s) of a student or student who is an adult fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, Entheos Academy:
    - (1) May not use the procedures in of the Rules IV., including the mediation procedures or the due process procedures, in order to obtain agreement or a ruling that the services may be provided to the student;
    - (2) Will not be considered to be in violation of the requirement to make available a FAPE to the student for the failure to provide the student with the special education and related services for which Entheos Academy requests consent; and

- (3) Is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which Entheos Academy requests such consent.
  - d. If, at any time subsequent to the initial provision of special education and related services, the parent(s) of a student or student who is an adult revokes consent in writing for the continued provision of special education and related services, Entheos Academy:
    - (1) May not continue to provide special education and related services to the student but must provide prior written notice in accordance with Rules IV.D. before ceasing the provision of special education and related services;
    - (2) May not use the procedures in Rules IV., including the mediation procedures or the due process procedures, in order to obtain agreement or a ruling that the services may be provided to the student;
    - (3) Will not be considered to be in violation of the requirement to make available a FAPE to the student for the failure to provide the student with the special education and related services for which Entheos Academy requests consent; and
    - (4) Is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which Entheos Academy requests such consent (34 CFR § 300.300).
3. Parental consent for reevaluations.
  - a. Entheos Academy must obtain informed parental or student who is an adult consent prior to conducting any reevaluation of a student with a disability.
  - b. If the parent or student who is an adult refuse to consent to the reevaluation, Entheos Academy may, but is not required to, pursue the reevaluation by using the dispute resolution procedures provided in the procedural safeguards, and including mediation or due process procedures.

- c. Entheos Academy does not violate its obligation under child find if it declines to pursue the reevaluation.
  - d. The informed parental or student who is an adult consent need not be obtained if the LEA can demonstrate that:
    - (1) It made reasonable efforts to obtain such consent; and
  - e. The student's parent or the student who is an adult has failed to respond.
4. Other consent requirements.
- a. Parental or student who is an adult consent is not required before:
    - (1) Reviewing existing data as part of an evaluation or a reevaluation; or
    - (2) Administering a test or other evaluation that is administered to all students unless consent is required for all students before administration of that test or evaluation.
  - b. Entheos Academy may not use a parent's or student who is an adult refusal to consent to one service or activity under Rules II.C.1., II.C.2., or II.C.3., to deny the parent or student any other service, benefit, or activity of the LEA, except as required by this part.
  - c. To meet the reasonable efforts requirement in Rules II.C.1.a.2., II.C.1.b.1., II.C.2.b., and II.C.3.d.1., Entheos Academy must document its attempts to obtain parental or student who is an adult consent using the procedures in Rules III.G.3.
  - d. Unless parent(s) or the student who is an adult revoke consent for special education and related services or refuse consent for initial placement, disagreements regarding the provision of IEP services should be resolved by the IEP Team and result in a completed IEP which includes all components necessary for the provision of FAPE.

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

- 1. Entheos Academy must conduct a full and individual initial evaluation to determine whether a student is a "student with a disability" under Part B of the IDEA and the Rules, and to determine the educational needs of the student.
- 2. The initial evaluation:

- a. Must be conducted within 45 school days of receiving parental or student who is an adult consent for the evaluation, unless:
    - (1) The initial evaluation is requested by the Division of Child and Family Services (DCFS) and Entheos Academy obtains appropriate consent for the evaluation, in which case Entheos Academy shall provide an initial special education evaluation to an individual who enters DCFS custody if DCFS suspects the individual may be an eligible student within 30 days after the day on which DCFS makes the request (UCA 53E-7-207).
      - (a) Entheos Academy may refuse to conduct an evaluation described in the Rules II.a.(1). if Entheos Academy reviews the relevant data regarding the individual and, within ten days after the day on which Entheos Academy received the request described in the Rules II.a.(1)., gives the DCFS prior written notice of refusal to evaluate.
  - b. Must consist of procedures to determine:
    - (1) If the student is a student with a disability; and
    - (2) The educational needs of the student.
3. The timeframe shall not apply to Entheos Academy if:
- a. The parent of a student repeatedly fails or refuses to produce the student for the evaluation; or
  - b. The student who is an adult repeatedly fails or refuses to participate in evaluation activities; or
  - c. A student enrolls in Entheos Academy after the relevant timeframe has begun, and prior to a determination by the student's previous LEA as to whether the student is a student with a disability.
  - d. The exception in Rules II.D.3.c. applies only if Entheos Academy is making sufficient progress to ensure a prompt completion of the evaluation, and the parent or student who is an adult and Entheos Academy agree to a specific time when the evaluation will be completed.

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

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

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

1. Entheos Academy has established and implemented procedures that meet the evaluation requirements of Part B of the IDEA and the Rules as follows:
  - a. In conducting the evaluation, Entheos Academy must:
    - (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by a parent or student who is an adult, that may assist in determining:
      - (a) Whether the student is a student with a disability; and
      - (b) The content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (or, for a student in preschool, to participate in appropriate activities);
    - (2) Not use any single procedure as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student; and
    - (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors Entheos Academy must consider the publication date and continued validity of assessments in use when new editions are published.
    - (4) Entheos Academy must ensure that assessments and other evaluation materials used to assess a student:
      - (a) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

- (b) Are provided and administered in the student's native language or other mode of communication, and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
  - (c) Are selected to assess the specific areas of concern identified by the assessment/evaluation group, including the parent(s) or student who is an adult;
  - (d) Are used for the purposes for which the assessments or measures are valid and reliable;
  - (e) Are selected and administered by trained and knowledgeable personnel based upon the specific assessment's requirements; and
  - (f) Are administered and interpreted in accordance with any instructions and administrator requirements provided by the producer of the assessments and the Standards for Educational and Psychological Testing (AERA, APA, NCME, 2014).
    - (i) Entheos Academy must ensure and document that all evaluators meet the assessment publishers' administrator/interpreter/user requirements, (e.g., appropriate degree, higher education coursework in tests and measures, and supervised clinical experiences/practica).
    - (ii) Entheos Academy shall provide documentation to USBE staff upon request.
- (5) Entheos Academy must ensure that:
- (a) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
  - (b) Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results

accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

- (c) The administration of psychological testing and the evaluation or assessment of personal characteristics, such as intelligence (e.g., cognitive, IQ), personality, abilities, interests, aptitudes, and neuropsychological functioning are only administered and interpreted by personnel who have been trained and fully meet the administrator/ interpreter/user qualifications of the test publisher (e.g., appropriate degree, higher education coursework in tests and measures, and supervised clinical experiences/practica).
  - (d) The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
  - (e) Assessments of students with disabilities who transfer from another LEA to Entheos Academy in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.
  - (f) In evaluating each student with a disability, the evaluation is sufficiently comprehensive to identify all the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified.
  - (g) Assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the student are provided.
- b. The USDB is available to LEAs for assessments of students with visual impairment and hearing loss, as well as professional learning on

appropriate administration of assessments, and procedures to ensure appropriate interpretation of assessments (R277-800-7).

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

1. Entheos Academy must ensure that a reevaluation of each student with a disability is conducted:
  - a. If Entheos Academy determines that the educational or related services needs, including improved academic achievement and functional performance, of the student warrant a reevaluation; or
  - b. If the student's parents or student who is an adult or teacher requests a reevaluation.
2. A reevaluation:
  - a. May occur not more than once a year, unless the parents or student who is an adult and Entheos Academy agree otherwise; and
  - b. Must occur at least once every three years, unless the parents or adult student and Entheos Academy agree that a reevaluation is unnecessary as there are data available to continue eligibility and determine the educational needs of the student. When the parents or student who is an adult and LEA agree that a reevaluation is unnecessary, the group must document data reviewed and used in an evaluation report and complete an eligibility determination.

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

1. As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must:
  - a. Review existing evaluation data on the student, including:
    - (1) Evaluations and information provided by the parent(s) of the student or the student who is an adult;
    - (2) Current classroom-based, local, or State assessments, and classroom-based observations; and
    - (3) Observations by teachers and related services providers; and

- b. On the basis of that review, and input from the student's parent(s) or the adult student, identify what additional data, if any, are needed to determine:
  - (1) Whether the student is a student with a disability and the educational needs of the student; or, in the case of a reevaluation of a student, whether the student continues to have such a disability, and the educational needs of the student;
  - (2) The present levels of academic achievement and related developmental needs of the student;
  - (3) Whether the student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services; and
  - (4) Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.
2. The IEP Team and other qualified professionals, as appropriate, may conduct its review of existing data without a meeting.
3. Entheos Academy must administer such assessments and other evaluation measures as may be needed to produce the data needed to determine continuing eligibility.
4. If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, the LEA must notify the student's parent(s) or student who is an adult of:
  - a. That determination and the reasons for the determination; and
  - b. The right of the parent(s) or student who is an adult to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student's educational needs.

5. Entheos Academy is not required to conduct the assessment for reevaluation described in Rules II.H.4.b unless requested to do so by the student's parent(s) or the student who is an adult.
6. Evaluations before change in eligibility.
  - a. Entheos Academy must evaluate a student with a disability before determining that the student is no longer a student with a disability.
  - b. The evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law (i.e., age 22).
  - c. For a student whose eligibility terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under State law, Entheos Academy must provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals.

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

1. Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parents of the student or the student who is an adult determine eligibility under Part B of the IDEA and the Rules, including:
  - a. Whether that student is a student with a disability, and
  - b. The educational needs of the student.
2. Entheos Academy shall provide the parents or adult student with a copy of the evaluation report and the documentation of determination of eligibility.
3. A student must not be determined to be a student with a disability:
  - a. If the determinant factor for that determination is:
    - (1) Lack of appropriate instruction in the science of reading, including the essential components of reading instruction (explicit and systematic instruction in phonemic awareness, phonics, vocabulary

development, reading fluency including oral reading skills, and reading comprehension strategies) (20 USC 6368(3));

- (2) Lack of appropriate instruction in mathematics; or
  - (3) Limited English proficiency; and
- b. If the student does not otherwise meet the eligibility criteria.
4. Procedures for determining eligibility and educational need.
    - a. In interpreting evaluation data for the purpose of determining if a student is a student with a disability and the educational needs of the student, Entheos Academy must:
      - (1) Draw upon information from a variety of sources, such as aptitude and achievement tests, parent or student who is an adult input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
      - (2) Ensure that information obtained from all of these sources is documented and carefully considered.
    - b. If a determination is made that a student has a disability and needs special education and related services, an IEP must be developed for the student within 30 calendar days.

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

1. Entheos Academy has adopted the criteria and evaluation procedures, by category, for determining eligibility for a student with disabilities under Part B of the IDEA and the Rules II.J.1-13. Including: Specific Learning Disabilities (Rules II.J.11.).
  - a. Definition (34 CFR § 300.8(C)(10)); Rules II.J.11.a.
    - (1) *Specific learning disabilities* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain

injury, minimal brain dysfunction, dyslexia, and developmental aphasia, that affects a student's educational performance.

- (2) *Specific learning disabilities* does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional behavioral disability; or of environmental, cultural, or economic disadvantage.
- b. Procedures for Identifying Students with Specific Learning Disabilities (34 CFR § 300.307; Rules II.J.11.b).
- (1) Entheos Academy has adopted the following method for determining a student's eligibility under the specific learning disability category. An LEA may use one of the following methods for determining a student's eligibility under the specific learning disability category:
    - (a) A Combination method of:
      - (i) A process based on the student's response to scientific, research-based intervention called the Response to Intervention (RtI) method which shows the student does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in Rules II.J.10.b.(3)(a) (the group must refer to the USBE Specific Learning Disability Eligibility Guidelines when using this method), and,
      - (ii) A discrepancy analysis which considers if the student's scores demonstrate a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the areas identified in Rules II.J.10.b.(3)(a) (the group must refer to the USBE Specific Learning Disability Eligibility Guidelines when using this method).
    - (2) Additional group members (34 CFR § 300.308; Rules II.J.11.b.(2)).
      - (a) The determination of whether a student suspected of having a specific learning disability is a student with a disability must be made by the student's parent(s) or student who is an adult and a group of qualified professionals, which must include:

- (b) The student's regular teacher; or
  - (c) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of the student's age; or
  - (d) For a student of less than school age; an individual qualified by the USBE to teach a student of the student's age; and
  - (e) At least one person qualified to conduct individual diagnostic examinations of students and interpret the results of those assessments (as per the publisher's assessment administration criteria), such as a school psychologist, speech language pathologist, reading teacher or reading specialist, or special education teacher.
- (3) Determining the existence of a specific learning disability (34 CFR § 300.309; Rules II.J.11.b.(3)).
- (a) The group described may determine that a student has a specific learning disability if:
  - (b) The student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards:
    - (i) Oral expression;
    - (ii) Listening comprehension;
    - (iii) Written expression;
    - (iv) Basic reading skills;
    - (v) Reading fluency skills;
    - (vi) Reading comprehension;
    - (vii) Mathematics calculation;
    - (viii) Mathematics problem solving.

- (c) The group determines that its findings are not primarily the result of:
  - (i) A visual, hearing, or motor disability;
  - (ii) Intellectual disability;
  - (iii) Emotional-behavioral disability;
  - (iv) Cultural factors;
  - (v) Environmental or economic disadvantage; or
  - (vi) Limited English proficiency.
- (4) The specific learning disability must adversely affect the student's educational performance.
- (5) The student with the specific learning disability must need special education and related services (34 CFR § 300.8(a); Rules II.J.11.b.(5)).
- (6) The group must determine that the specific learning disability is the student's primary disability.
- c. Evaluation (34 CFR § 300.309(b)–(c); Rules II.J.11.c).
  - (1) An evaluation must include a variety of assessment tools and strategies and cannot rely on any single procedure as the sole criterion.
  - (2) To ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation:
    - (a) Data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
    - (b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parent(s) or the student who is an adult.

- (3) Entheos Academy must promptly request parental consent or consent of the adult student to evaluate the student to determine if the student needs special education and related services, and must adhere to the 45-school-day evaluation timeframe, unless extended by mutual written agreement of the student's parent(s) or student who is an adult and a group of qualified professionals:
  - (a) If, prior to a referral, a student has not made adequate progress after an appropriate period of time as determined by Entheos Academy when provided appropriate instruction, and
  - (b) Whenever a student is referred for an evaluation.
- (4) Observation (34 CFR § 300.310(a)–(c); Rules II.J.11.b.(4)).
  - (a) Entheos Academy must ensure that the student is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of concern.
  - (b) The group must decide to:
    - (i) Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or
    - (ii) Have at least one member of the group conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent or consent of the student who is an adult is obtained.
  - (c) If the student is a home-schooled student, Entheos Academy may determine how to conduct the observation and who will conduct it.
  - (d) In the case of a student of less than school age or who is out of school, a group member must observe the student in an environment appropriate for a student of that age.

- (5) Specific documentation for the eligibility determination (34 CFR § 300.311; Rules II.J.11.b.(5)). The group's documentation of the determination of eligibility with a specific learning disability must contain a statement of:
- (a) Whether the student has a specific learning disability;
  - (b) The basis for making the determination, including an assurance that the determination has been made in accordance with Rules II.I.;
  - (c) The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;
  - (d) The educationally relevant medical findings, if any; and
  - (e) Whether the student meets the criteria below.
  - (f) Combination (Rtl and discrepancy analysis). Does not make sufficient progress to meet State-approved age- or grade-level standards when using a process based on the student's response to scientific evidence-based interventions and considers scores that demonstrate a severe discrepancy between the student's academic achievement and intellectual ability in one or more of the areas of specific learning disability (the group must refer to the USBE Specific Learning Disability Eligibility Guidelines when using this method).
    - (i) Entheos Academy has a process that assesses a student's response to scientific, research-based intervention as part of determining if the student has a specific learning disability. This process must include:
      - (ii) High quality research-based instruction delivered by qualified staff in the general education setting; and
      - (iii) Assessment of student performance that specifically includes universal screening and progress-monitoring; and
      - (iv) Multiple tiers of evidence-based interventions to address individual student difficulties; and

- (v) Documentation of systematic and regular parent, student who is an adult, and/or family involvement and communication as well as notification about:
  - (A) The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided (the group must refer to the USBE Specific Learning Disability Eligibility Guidelines when using this method);
  - (B) Strategies for increasing the student's rate of learning; and
  - (C) The parent(s)' or the student's, who is an adult, right to request an evaluation; and
- (vi) System supports (e.g., leadership, problem-solving, data management systems, coaching and collaboration, professional learning, and measures of fidelity) in place to ensure effective implementation; or
- (vii) The instructional strategies used and the student-centered data collected.
- (viii) The group must document that the student's performance on a standardized, norm-referenced, individually administered achievement measure in the area of the suspected disability, and
- (ix) That the student scored above the intellectual disability range on a standardized, norm-referenced, individually administered measure of intellectual ability, and
  - (A) The comparison of the standard scores on the tests of achievement and intellectual ability using an LEA board-approved and USBE-reviewed discrepancy analysis. The group must document consideration of the discrepancy analysis and the group's determination of whether or not it represents a severe discrepancy.

- (6) The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional-behavioral disability; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level;
- (7) The requirements of Rules II.D.-H. must be met.
- (8) Each group member must certify in writing whether the report reflects the member's conclusion (§ 300.311(b)). If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

## III. IEP Development and Service Delivery

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

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

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

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

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

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

other records relating to the provision of special education or related services to the student, from the previous LEA in which the student was enrolled; and

- b. The previous LEA in which the student was enrolled must take reasonable steps to promptly respond to the request from Entheos Academy.
  - c. The LEA transferring the records must keep a copy of the records for at least three years after the transfer as outlined in Rule VIII.S.
4. Experiencing difficulty in obtaining the IEP from the previous LEA does not relieve the LEA where the student is currently enrolled of its obligation to have a current IEP in place for a student who is eligible.

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

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

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

1. Entheos Academy must ensure that the IEP Team for each student with a disability includes:
  - a. The parents of the student or the student who is an adult;
  - b. Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
  - c. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;
  - d. A representative of Entheos Academy who:
    - (1) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;

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

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

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

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

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

1. Entheos Academy must take steps to ensure that one or both of the parents of a student with a disability or the student who is an adult are present at each IEP meeting or are afforded the opportunity to participate, including:
  - a. Notifying parents or student who is an adult of the meeting early enough to ensure that they will have an opportunity to attend; and
  - b. Scheduling the meeting at a mutually agreed-on time and place.
2. If the parents or student who is an adult cannot attend, Entheos Academy must use other methods to ensure participation of the parents or the student who is an adult, including individual or conference telephone calls. The parents of a student with a disability or the student who is an adult and Entheos Academy may agree to use alternative means of meeting participation, such as video conferences and conference calls (34 CFR § 300.328).
3. A meeting may be conducted without a parent or the student who is an adult in attendance if Entheos Academy is unable to convince the parent(s) or the

student who is an adult that they should attend. In this case, Entheos Academy must keep a record of its attempts to arrange a mutually agreed-on time and place, such as:

- a. Detailed records of telephone calls made or attempted and the results of those calls;
  - b. Copies of correspondence sent to the parents or student who is an adult and any responses received; and
  - c. Detailed records of visits made to the parents' or student who is an adult home or place of employment and the results of those visits.
4. Entheos Academy must take whatever action is necessary to ensure that the parent(s) or student who is an adult understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parent(s) or student who is an adult with deafness or whose native language is other than English.
- a. Under UCA 35A-13-604, an individual is required to be certified as an interpreter if that individual provides interpreter services for deaf and hard of hearing individuals.
  - b. An individual providing interpreting services other than those for deaf and hard of hearing individuals shall be trained.
5. The parent(s) of a student with a disability or student who is an adult are participants along with school personnel in developing, reviewing, and revising the IEP for their student. This is an active role in which the parent(s) or student who is an adult:
- a. Provide critical information regarding the strengths of the student and express their concerns for enhancing the education of the student;
  - b. Participate in the discussion of the student's need for special education and related services, and supplementary aids and services; and
  - c. Join with other participants in deciding how the student will be involved and progress in the general curriculum, how the student will participate in State- and LEA-wide assessments, and what services Entheos Academy will provide to the student and in what setting.

6. Entheos Academy must give the parent(s) or adult student a copy of the student's IEP at no cost to the parent(s) or student who is an adult.

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

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

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

1. Development, review, and revision of the IEP.
  - a. In developing each student's IEP, the IEP Team must consider:

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

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

- (d) As appropriate, the student should receive an FBA and behavior intervention services and modifications that are designed to address the behavior (34 CFR § 300.530(d)(1)(ii)).
  - c. If, in considering the special factors described above, the IEP Team determines that a student needs a particular device or services for educational purposes (including an intervention, accommodation, or other program modification) in order for the student to receive a FAPE, the IEP Team must include a statement to that effect in the student's IEP.
  - d. A regular education teacher of a student with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the student, including the determination of:
    - (1) Appropriate positive behavior interventions and supports and other strategies for the student; and
    - (2) Supplementary aids and services, program modifications, and support for school personnel consistent with the IEP.
- 2. Changes to the IEP.
  - a. In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent(s) of a student with a disability or student who is an adult and Entheos Academy may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP.
    - (1) The LEA shall convene a meeting with the IEP Team regarding material or substantial changes to the IEP (e.g., the amount of service time, change in placement, termination of services).
  - b. Upon request, the parent(s) or student who is an adult must be provided with a revised copy of the IEP with the amendments incorporated.
  - c. If changes are made to the student's IEP through the amendment process, Entheos Academy must ensure that the student's IEP Team is informed of those changes.
- 3. To the extent possible, Entheos Academy must encourage the consolidation of reevaluation meetings and other IEP Team meetings for the student (34 CFR § 300.324(a)(5)).

4. Review and revision of the IEP.
  - a. Entheos Academy must ensure that the IEP Team:
    - (1) Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and
    - (2) Revises the IEP, as appropriate, to address:
      - (a) Any lack of expected progress toward the annual goals in the IEP and in the general education curriculum, if appropriate;
      - (b) The results of any reevaluation;
      - (c) Information about the student provided to, or by, the parent(s) or adult student;
      - (d) The student's anticipated needs; or
      - (e) Other matters.
    - (3) In conducting a review of the student's IEP, the IEP Team must consider the special factors in the Rules III.I.1.b.
    - (4) A regular education teacher of the student, as a member of the IEP Team, must participate in the review and revision of the IEP of the student, if the student is or may be participating in the general education classroom.
    - (5) If a participating agency, other than Entheos Academy, fails to provide the postsecondary transition services described in the IEP, Entheos Academy must reconvene the IEP Team to identify alternative strategies to meet the postsecondary transition objectives for the student set out in the IEP.
    - (6) Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any postsecondary transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

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

1. The term *individualized education program* (IEP) means a written statement for each student with a disability that is developed, reviewed, and revised in a meeting. The IEP is designed to meet the student's unique needs based on their disability, and prepare them for further education, employment, and independent living.
2. The IEP must include:
  - a. A statement of the student's present levels of academic achievement and functional performance (PLAAFP), including:
    - (1) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same grade-level curriculum as for students who are non-disabled); or
    - (2) For students in preschool, as appropriate, how the disability affects the student's participation in appropriate activities; and
    - (3) For students who are blind, the results obtained from a braille-related or braille skills assessment;
  - b. A statement of measurable annual goals, that describes what the student is reasonably expected to accomplish in a year and the conditions in which the goals will be performed, including academic and functional goals designed to:
    - (1) Meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the grade-level general education curriculum; and
    - (2) Meet each of the student's other educational needs that result from the student's disability;
  - c. For a student with a disability, ages 14 and older, an annual IEP goal related to the student's postsecondary transition service needs.
  - d. For eligible students with significant cognitive disabilities who will participate in grade-level alternate achievement standards (i.e., Essential Elements):

- (1) Notification to the parent(s) or adult student that the student's academic achievement will be measured through an assessment of the grade-level Utah alternate achievement standards and how participation in such alternate achievement assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma; and
  - (2) A description of benchmarks or short-term objectives for each annual goal;
- e. A description of:
- (1) How the student's progress toward meeting the annual IEP goals will be measured; and
  - (2) When periodic reports to the parent(s) or adult student on the progress the student is making toward meeting the annual IEP goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- f. A statement of the special education and related services and supplementary aids and services (including assistive technology), based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:
- (1) To advance appropriately toward attaining the annual goals;
  - (2) To be involved in and make progress in the grade-level general education curriculum, and to participate in extracurricular and other nonacademic activities; and
  - (3) To be educated and participate with other similar-aged students with disabilities and non-disabled students in the activities described in this section;
- g. An explanation of the extent, if any, to which the student will not participate with similar-aged non-disabled students in the regular education environment and in the activities described in this section;
- h. A statement of:

- (1) Any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on all grade-level State- and LEA-wide assessments; and
- (2) If the IEP Team determines that the student must take an alternate assessment instead of a particular regular State- or LEA-wide assessment of student achievement, a statement of why:
  - (a) The student cannot participate in the regular assessment; and
  - (b) The particular alternate assessment selected is appropriate for the student; and
  - (c) All students, including students with disabilities, participate in statewide assessments. Entheos Academy reports the results of statewide assessments on the website. If more than one percent of students with significant cognitive disabilities participate in an alternate assessment, Entheos Academy will submit justification to the USBE on the need to exceed the cap.
- i. The projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications.
- j. A statement of school to post-school transition services.
  - (1) For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:
  - (2) Appropriate measurable postsecondary goals based upon age-appropriate postsecondary transition assessments related to training or education, employment, and, where appropriate, independent living skills; and
  - (3) The postsecondary transition services (including courses of study) needed to assist the student in reaching those goals.
- k. Transfer of rights at age of majority.
  - (1) Beginning not later than one year before the student reaches the age of majority (age 18 in Utah), the IEP must include a statement that the

student has been informed of the student's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority. The transfer of rights also occurs upon notification to the LEA that a student has married or become emancipated before age 18.

- l. Nothing in this section shall be construed to require that additional information be included in a student's IEP beyond what is explicitly required in Section 614 of Part B of the IDEA, or require the IEP Team to include information under one component of a student's IEP that is already contained under another component of the student's IEP.
- m. IEP Teams should discuss and address, if appropriate, student participation in not only the grade-level Utah Core Standards, but other general education activities and courses (e.g., health and maturation, suicide prevention), as well as the Statewide Online Education Program (SOEP) or other online, distance, blended, or competency-based courses, as well as courses taken through Career and Technical Education (CTE) programs and concurrent enrollment. Students with disabilities may require special education and related services and accommodations for equitable participation, in conjunction with Part B of the IDEA, the Rules, R277-418, R277-713, and R277-726.

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

- 1. Physical education services, specially designed if necessary, must be made available to every student with a disability receiving a FAPE, unless Entheos Academy enrolls students without disabilities and does not provide physical education to students without disabilities in the same grades.
- 2. Each student with a disability must be afforded the opportunity to participate in the regular physical education program available to students who are nondisabled unless:
  - a. The student is enrolled full time in a separate facility; or
  - b. The student needs specially designed physical education, as prescribed in the student's IEP.
- 3. If specially designed physical education (e.g., adapted physical education) is prescribed in a student's IEP, the LEA responsible for the education of that

student must provide the services directly or make arrangements for those services to be provided through other public or private programs.

4. Entheos Academy responsible for the education of a student with a disability who is enrolled in a separate facility must ensure that the student receives appropriate physical education services.PE.

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

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

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

1. Extended school year services mean special education and related services that:
  - a. Are provided to an eligible student with a disability:
    - (1) Beyond the normal school year of Entheos Academy;
    - (2) In accordance with the student's IEP; and
    - (3) At no cost to the parent(s) of the student or student who is an adult; and
  - b. Meet the standards of the USBE in R277-751.
2. Entheos Academy shall ensure that:
  - a. Extended school year services are available as necessary to provide FAPE, consistent with the Rules and considered for each individual student with

- a disability during an IEP, based upon a review of multiple data sources and factors.
  - b. ESY student programs are provided in the least restrictive environment.
  - c. ESY teachers and paraeducators meet USBE's and IDEA requirements.
3. Extended school year services must be provided only if a student's IEP Team determines, on an individual basis, that the services are necessary for the provision of a FAPE to the student. The annual IEP shall reflect the IEP Team's decision regarding the need for ESY services.
- a. Parent(s) or the student who is an adult shall be provided with prior written notice of proposal or refusal to provide ESY services.
  - b. If determined as eligible for ESY services, the IEP Team shall determine the appropriate ESY program, based on the student's individual needs.
  - c. ESY eligibility decisions and prior written notice of ESY programs shall be provided to parent(s) or student who is an adult in sufficient time to permit accessing dispute resolution options of the procedural safeguards, in the event of a dispute.
4. In implementing the requirements of this section, Entheos Academy may not:
- a. Limit extended school year services to particular categories of disability, age, or grade level;
  - b. Unilaterally limit the type, amount, or duration of those services; or
  - c. Limit data consideration by IEP Teams to only an analysis of regression and recoupment.

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

1. Entheos Academy must ensure that:
- a. To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities (e.g., nursing homes), are educated with similar-aged students who are nondisabled; and
  - b. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the

nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. In the case of a student who is deaf or hard of hearing, consideration of a special class or school may be the least restrictive environment in that it provides opportunities for direct communication and instruction in the student's language and communication mode with professional personnel and peers.

- c. LRE provisions apply to transition programs (i.e., postsecondary) and placement.
2. A state funding mechanism must not result in placements that violate the LRE requirements of the Rules III.P.–S.

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

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

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

1. Entheos Academy must ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services.
2. The continuum required must:
  - a. Include the following alternative placements for instruction:
    - (1) Regular classes,
    - (2) Special classes,
    - (3) Special schools,
    - (4) Home instruction, and
    - (5) Instruction in hospitals and institutions; and

- b. Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

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

1. In determining the educational placement of a student with a disability, including postsecondary transition-aged student with a disability, Entheos Academy must ensure that:
  - a. The placement decision:
    - (1) Is made by a group of persons, including the parent(s) or student who is an adult and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
    - (2) Is made in conformity with the LRE provisions above.
  - b. The student's placement:
    - (1) Is determined at least annually;
    - (2) Is based on the student 's IEP; and
    - (3) Is as close as possible to the student 's home;
  - c. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that the student would attend if nondisabled;
  - d. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services that the student needs; and
  - e. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

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

1. Entheos Academy shall ensure that the parent(s) of each student with a disability or adult student are members of any group that makes decisions on

the educational placement of the parent's student or the student who is an adult (Rules IV.B).

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

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

1. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities in Rules III.V, Entheos Academy must ensure that each student with a disability participates with students who are nondisabled in the extracurricular services and activities to the maximum extent appropriate to the needs of that student.
2. Entheos Academy must ensure that each student with a disability has the supplementary aids and services determined by the student's IEP Team to be appropriate and necessary for the student to participate in nonacademic settings.
3. A student with a disability (under the age of 22 who has not graduated from high school with a regular high school diploma, whose IEP Team recommends participation) may not be denied the opportunity of participating in public school programs or extracurricular activities solely because of the student's age, unless the participation threatens the health or safety of the student. Entheos Academy, in cooperation with the Utah Department of Health, shall

establish criteria used to determine the health and safety factor (UCA 53G-6-709).

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

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

## IV. Procedural Safeguards Due Process Procedures for Parent(s) and Students (IDEA Subpart E)

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

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

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

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

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

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

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

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

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

1. Prior written notice must be given to the parents of a student with a disability or student who is an adult a reasonable time before Entheos Academy:
  - a. Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student; or
  - b. Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student.
2. The notice required must include:
  - a. A description of the action proposed or refused by Entheos Academy;
  - b. An explanation of why Entheos Academy proposes or refuses to take the action;
  - c. A description of each evaluation procedure, assessment, record, or report Entheos Academy used as a basis for the proposed or refused action;

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

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

1. A copy of the procedural safeguards available to the parent(s) of a student with a disability or student who is an adult must be given to the parent(s) or student

who is an adult only one time a year, except that a copy also must be given to the parent(s) or student who is an adult:

- a. Upon initial referral or parent or student who is an adult request for evaluation;
  - b. Upon receipt of the first State complaint or a due process complaint in that school year;
  - c. In accordance with the discipline procedures in 34 CFR § 300.530(h) and Rules V.F.; and
  - d. Upon request by a parent or student who is an adult.
2. Entheos Academy may place a current copy of the procedural safeguards notice on its website if a website exists.
3. The procedural safeguards notice must include a full explanation of all the procedural safeguards relating to:
- a. Independent educational evaluations;
  - b. Prior written notice;
  - c. Parental or student who is an adult consent;
  - d. Access to educational records;
  - e. The opportunity to present and resolve complaints through the, including:
    - (1) The time period in which to file a due process complaint or State complaint;
    - (2) The opportunity for the agency to resolve the due process hearing complaint or State complaint; and
    - (3) The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
  - f. The availability of mediation;
  - g. The student's placement during pendency of hearings on due process complaints;

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

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

1. Entheos Academy follows all requirements found in Rules IV.E regarding State complaint procedures.

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

1. Entheos Academy follows all requirements found in Rules IV.F regarding Mediation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Entheos Academy must ensure that the rights of a student are protected when:
  - a. No parent (as defined under 34 CFR § 300.30 and Rules I.E.34.) can be identified for a student under the age of majority;
  - b. Entheos Academy after reasonable efforts, cannot locate a parent for a student under the age of majority;
  - c. The student is a ward of the State under the laws of Utah; or
  - d. The student is an unaccompanied youth experiencing homelessness under the age of majority.
2. The duties of Entheos Academy include the assignment of an individual to act as a surrogate for the parent(s) for a student under the age of majority. This must include a method for determining whether a student under the age of majority needs a surrogate parent and for assigning a surrogate parent to the student.
3. In the case of a student who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided that the surrogate meets the requirements.
4. Entheos Academy may select a surrogate parent in any way permitted under State law.
5. Entheos Academy must ensure that a person selected as a surrogate parent:
  - a. Is not an employee of the USBE, Entheos Academy, or any other agency that is involved in the education or care of the student;

- b. Has no personal or professional interest that conflicts with the interest of the student that the surrogate parent represents; and
  - c. Has knowledge and skills that ensure adequate representation of the student.
6. A person otherwise qualified to be a surrogate parent is not an employee of Entheos Academy solely because the person is paid by Entheos Academy to serve as a surrogate parent.
  7. In the case of a student who is an unaccompanied youth experiencing homelessness, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogates until a surrogate can be appointed that meets all of the requirements.
  8. The surrogate parent may represent the student in all matters relating to the identification, evaluation, and educational placement of the student, and the provision of a FAPE to the student.
  9. The USBE and Entheos Academy must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 calendar days after Entheos Academy determines that the student needs a surrogate.

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

1. When a student with a disability reaches the age of majority under State law (i.e., age 18) that applies to all students, except for a student with a disability who has been determined to be incompetent under State law, or the student with a disability marries or becomes emancipated:
  - a. Entheos Academy must provide any notice required by Part B of the IDEA to both the individual and the parent(s); and
  - b. All other rights accorded to parents under Part B of the IDEA transfer to the student.;
2. All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile State or local correctional institution; and

3. Whenever a state transfers rights, Entheos Academy must notify the individual and the parent(s) of the transfer of rights within a reasonable time frame.

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

1. Entheos Academy takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by Entheos Academy pursuant to Part B of the IDEA and R277-487. Entheos Academy follows all requirements found in Rules IV.V.1-19 regarding confidentiality of information including
  - a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
  - b. *Education records* means the type of records covered under the definition of “education records” in 34 CFR § 99, implementing regulations for the Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g (FERPA).
  - c. *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.
2. Definitions as used in Rules (34 CFR § 300.611).
  - a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
  - b. *Education records* means the type of records covered under the definition of “education records” in 34 CFR § 99, implementing regulations for the Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g (FERPA).
  - c. *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.
3. Record of access (34 CFR § 300.614).
  - a. Entheos Academy must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA and the Rules (except access by parents or student who is an adult and authorized employees of Entheos Academy), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.
4. Records on more than one student (34 CFR § 300.615).
  - a. If any education record includes information on more than one student, the parent(s) of those students or the student who is an adult have the

right to inspect and review only the information relating to their student or themselves or to be informed of that specific information.

5. List of types and locations of information (34 CFR § 300.616).
  - a. On request, Entheos Academy must provide parents or student who is an adult with a list of the types and locations of education records collected, maintained, or used by Entheos Academy.
6. Fees (34 CFR § 300.617).
  - a. Entheos Academy may charge a fee for copies of records that are made for parent(s) or student who is an adult under Part B of the IDEA if the fee does not effectively prevent the parent(s) or student who is an adult from exercising their right to inspect and review those records.
  - b. Entheos Academy may not charge a fee to search for or to retrieve information under Part B of the IDEA.
7. Consent for disclosure of PII (34 CFR § 300.622).
  - a. Except as to disclosures addressed in referral to and action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR § 99, parental or adult student consent must be obtained before PII is:
    - (1) Disclosed to anyone other than officials of participating agencies collecting or using the information under Part B of the IDEA or the Rules: or
    - (2) Used for any purpose other than meeting a requirement of Part B of the IDEA or the Rules.
  - b. Entheos Academy may not release information from education records to participating agencies without parental or adult student consent unless authorized to do so by 34 CFR §§ 99.31 and 99.34 (FERPA):
    - (1) 34 CFR § 99.31 allows an LEA to disclose PII from the education records of a student without the written consent of the parent(s) of the student or student who is an adult, if the disclosure is:

- (a) To other school officials, including teachers, within the LEA who have been determined by the LEA to have legitimate educational interests.
  - (b) To officials of another school or school site in which the student seeks or intends to enroll, subject to the requirements set forth in 34 CFR § 99.34 below.
- (2) 34 CFR § 99.34 requires that an LEA transferring the education records of a student pursuant to 34 CFR § 99.34 above shall make a reasonable attempt to notify the parent of the student or student who is an adult of the transfer of records at the last known address of the parent or student who is an adult, except that the LEA does not have to provide any further notice of the transfer of records when:
  - (a) The transfer is initiated by the parent(s) or student who is an adult at the sending LEA.
  - (b) The LEA includes in its annual notice of procedural safeguards, that it is the policy of the LEA to forward education records on request to a school in which a student seeks or intends to enroll.
  - (c) The LEA transferring the records must keep a copy of the records for three years after the transfer.
- c. Entheos Academy, upon receiving PII from another educational agency or institution may make further disclosure of the information on behalf of the LEA without the prior written consent of the parent(s) or student who is an adult if the conditions of 34 CFR §§ 99.31 and 99.34 noted above are met, and if the educational agency informs the party to whom disclosure is made of these requirements.
- d. If the parent(s) or student who is an adult refuses consent for the release of PII to a third party, then that party may proceed with statutory procedures in an effort to obtain the desired information.
- e. Note: As authorized in 34 CFR § 99.31 (FERPA), Entheos Academy includes in the annual procedural safeguards notice that it is their policy to forward educational records of a student with disabilities without parental or student who is an adult consent or notice to officials of another school or school district in which a student seeks or intends to enroll.

8. Safeguards (34 CFR § 300.623).
  - a. Entheos Academy must protect the confidentiality of PII at collection, storage, disclosure, and destruction stages.
  - b. One official at Entheos Academy must assume responsibility for ensuring the confidentiality of any PII.
  - c. All persons collecting or using PII must receive training or instruction regarding the State's policies and procedures in this section and 34 CFR § 99.
  - d. Entheos Academy must maintain, for public inspection, a current listing of the names and positions of those employees within the LEA who may have access to PII on students with disabilities.
9. Destruction of information (34 CFR § 300.624).
  - a. Entheos Academy must inform parents or student who is an adult when PII collected, maintained, or used under Part B of the IDEA and the Rules is no longer needed to provide educational services to the student.
  - b. The information no longer needed must be destroyed at the request of the parent(s) or student who is an adult. However, a permanent record of a student's name, address, phone number, the student's grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
  - c. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three years after the student graduates or three years after the student turns 22 under IDEA. Medicaid requires that records be maintained for at least five years after the provision of services.

## V. Discipline Procedures (34 CFR § 300.530)

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

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

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

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

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

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

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

1. For purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs if:
  - a. The removal is for more than ten consecutive school days, including shortened school days; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## VI. Students with Disabilities in Other Settings

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

1. CHARTER NAME] follows all requirements found in Rules VI.A regarding private school placements.

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

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

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

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

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

1. Dual enrollment (R277-438 and UCA 53G-6-702).
  - a. A student with a disability who is simultaneously enrolled in both home school or private school and a public school is considered a student in dual enrollment.
  - b. A student with a disability seeking dual enrollment is entitled to special education and related services, under an IEP, for the time, or for the number of courses, the student is enrolled in the public school, based on the decision of the student's IEP Team. The IEP Team must consider the amount of time and courses needed for the provision of FAPE.
2. Home schools do not meet the definition of private schools (R277-438).8).

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

1. Students with disabilities enrolled in Adult Education remain entitled to special education and related services until determined no longer meeting eligibility criteria, graduate with a regular high school diploma, or reach maximum age (i.e., age 22).
2. The responsibility for FAPE for students with disabilities enrolled in Adult Education classes remains with the school district of residence.

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

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

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

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

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

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

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

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

## VII. Postsecondary Transitions

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

1. Purpose (34 CFR § 300.1; Rules VII.B.1).
  - a. To ensure that all students with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.
2. Definition (34 CFR § 300.43; Rules VII.B.2).
  - a. *Postsecondary Transition services* means a coordinated set of activities for a student with a disability that:
    - (1) Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability, to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational education, competitive integrated employment (including supported employment), continuing and adult education, adult services, independent living, or full community participation;
    - (2) Is based on the individual student's needs, taking into account the student's strengths, preferences, and interests, and includes:
      - (a) Instruction;
      - (b) Related services;
      - (c) Community experiences;
      - (d) The development of employment and other post-school adult living objectives; and
      - (e) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
  - b. Postsecondary Transition services for students with disabilities may be special education, if provided as specially designed instruction, or a related

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

3. Parent or student who is an adult participation (34 CFR § 300.322; Rules VII.B.3).
  - a. For a student with a disability age 14 and older, or younger if determined appropriate by the IEP Team, the notice of meeting must indicate:
    - (1) That a purpose of the meeting will be the consideration of the postsecondary goals and postsecondary transition services for the student;
    - (2) That the LEA will invite the student; and
    - (3) Identify any other agency that will be invited, with the consent of the parent(s) or student who is an adult, to send a representative.
4. IEP Team (34 CFR § 300.321; Rules VII.B.4).
  - a. For an IEP Team meeting that includes as a purpose the development of a postsecondary transition plan:
    - (1) Entheos Academy must invite the student with a disability to attend the student's IEP meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the postsecondary transition services needed to assist the student in reaching those goals.
    - (2) If the student does not attend the IEP meeting, Entheos Academy must take other steps to ensure that the student's preferences and interests are considered.
    - (3) To the extent appropriate, with the consent of the parent(s) or adult student, Entheos Academy must invite a representative of any participating agency that is likely to be responsible for providing or may be paying for postsecondary transition services.
5. Definition of IEP (34 CFR § 300.320(b); Rules VII.B.5).
  - a. For a student with a disability, ages 14 and older, an annual IEP goal related to the student's postsecondary transition service needs.

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

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

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

- a. Entheos Academy does not serve students beyond the eighth grade and therefore termination of services due to graduation under this part (VII.B.7.a) does not apply.
  - b. Entheos Academy does not serve students beyond the eighth grade and therefore termination of services due to graduation under this part (VII.B.7.b(1)) does not apply.
  - c. Entheos Academy does not serve students beyond the eighth grade and therefore termination of services due to graduation under this part (VII.B.7.c) does not apply.
8. Failure to meet postsecondary transition objectives (34 CFR § 300.324; Rules VII.B.8)
- a. If a participating agency, other than Entheos Academy, fails to provide the postsecondary transition services described in the IEP, Entheos Academy must reconvene the IEP Team to identify alternative strategies to meet the postsecondary transition objectives for the student set out in the IEP.
  - b. Nothing relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any postsecondary transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that LEA (34 CFR § 300.324).
  - c. If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy or an interagency agreement, to provide or pay for any services that are also considered special education or related services such as, but not limited to, services relating to assistive technology devices, assistive technology services, related services, supplementary aids and services, and postsecondary transition services, that are necessary for ensuring a FAPE to students with disabilities within the State, the public agency must fulfill that obligation or responsibility, either directly or through contract or other arrangement or as provided in an interagency agreement.

9. Entheos Academy does not serve students beyond the eighth grade and therefore Rules regarding Students with disabilities in adult prisons (34 CFR § 300.324; Rules VII.B.9) does not apply.

**VII.B. ENTHEOS ACADEMY DOES NOT SERVE STUDENTS BEYOND THE EIGHTH GRADE AND THEREFORE GRADUATION RULES DO NOT APPLY (UCA 53E-7-202; R277-705; RULES VII.C.)**

**VII.C. ENTHEOS ACADEMY DOES NOT SERVE STUDENTS BEYOND THE EIGHTH GRADE AND THEREFORE TERMINATION OF SERVICES UPON REACHING AGE 22 DOES NOT APPLY (UCA 53E-7-201; R277-419-2(23)(B); RULES VII.D.)**

## VIII. Responsibilities of the Utah State Board of Education

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

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

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

1. Program options (34 CFR § 300.110; Rules VIII.B.3).
  - a. Entheos Academy takes steps to ensure that its students with disabilities have available to them the variety of educational programs and services available to students who are nondisabled in the area served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

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

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

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

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

lasting impact on classroom instruction, before and while teaching;

- (b) Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program;
- (c) Assumes functions as a teacher only for a specified period of time not to exceed three years; and
- (d) Demonstrates satisfactory progress toward full certification as prescribed by the State; and

(2) The State ensures, through its certification and licensure process, that the provisions of this section are met.

d. An adapted physical education endorsement, attached to a general or special education license, is requirement for educators to teach adapted physical education.

2. Related services personnel and paraeducators (R277-301, R277-306, and R277-324).

a. The qualifications include qualifications for related services personnel and paraeducators that:

(1) Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and

(2) Ensure that related services personnel who deliver services in their discipline or profession:

(a) Meet the requirements; and

(b) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

(3) Allow paraeducators and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part, to be used to assist in

the provision of special education and related services under Part B of the IDEA to students with disabilities.

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

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

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

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

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

## IX. LEA Eligibility and Responsibilities

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

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

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

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

1. Entheos Academy submits a plan that provides assurances to the USBE that Entheos Academy meets each of the conditions in this section (34 CFR § 300.200).
2. Entheos Academy, in providing for the education of students with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established in Rules (34 CFR § 300.201).
3. Use of amounts (34 CFR § 300.202).

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

available, the exceptions and adjustment provided in 34 CFR §§ 300.204 and 300.205 that Entheos Academy:

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

or for which Entheos Academy is required to account to the Federal government directly or through the USBE may not be considered in determining whether an LEA meets the standard of Rules IX.B.6.b.(1) and IX.B.6.b.(2).

c. Subsequent years.

- (1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, Entheos Academy fails to meet the requirements of 34 CFR § 300.203 in effect at that time, the level of expenditures required of Entheos Academy for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not Entheos Academy's reduced level of expenditures.
- (2) If, in any fiscal year beginning on or after July 1, 2015, Entheos Academy fails to meet the requirement of Rules IX.B.6.b.(2)(a) or IX.B.6.b.(2)(c) and Entheos Academy is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of Rules IX.B.6.a or IX.B.6.b, the level of expenditures required of Entheos Academy for the fiscal year subsequent to the year of the failure is the amount that would have been required under Rules IX.B.6.b.(2)(a) or IX.B.6.b.(2)(c) in the absence of that failure, not Entheos Academy's reduced level of expenditures.
- (3) If, in any fiscal year beginning on or after July 1, 2015, Entheos Academy fails to meet the requirement of Rules IX.B.6.b.(2)(b) or IX.B.6.b.(2)(d) and Entheos Academy is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of Rules IX.B.6.a or IX.B.6.b, the level of expenditures required of Entheos Academy for the fiscal year subsequent to the year of the failure is the amount that would have been required under Rules IX.B.6.b.(2)(b) or IX.B.6.b.(2)(d) in the absence of that failure, not Entheos Academy's reduced level of expenditures.

d. Consequence of failure to maintain effort.

- (1) If Entheos Academy fails to maintain its level of expenditures for the education of students with disabilities in accordance with Rules IX.B.6.b, the USBE is liable in a recovery action under section 452 of

the GEPA (20 USC § 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which Entheos Academy failed to maintain its level of expenditures in accordance with Rules IX.B.6.b. in that fiscal year, or the amount of Entheos Academy's Part B subgrant in that fiscal year, whichever is lower.

- (2) If the USBE is required to return funds to the Department because of Entheos Academy's failure to meet the Maintenance of Effort requirement, the USBE shall reduce the amount provided to the Entheos Academy's MSP Basic Program on a 1/12 basis.
7. Exception to maintenance of effort (34 CFR § 300.204).
- a. Entheos Academy may reduce the level of expenditures by Entheos Academy under Part B of the IDEA below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:
    - (1) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
    - (2) A decrease in the enrollment of students with disabilities.
    - (3) The termination of the obligation of Entheos Academy, consistent with this part, to provide a program of special education to a particular student with a disability that is an exceptionally costly program, as determined by the USBE staff, because the student:
      - (a) Has left the jurisdiction of Entheos Academy;
      - (b) Has reached the age at which the obligation of Entheos Academy to provide a FAPE to the student has terminated; or
      - (c) No longer needs the program of special education.
    - (4) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.
    - (5) The assumption of cost by the high-cost fund (i.e., Intensive Services fund) operated by the USBE staff.
8. Adjustment to local fiscal efforts in certain fiscal years (34 CFR § 300.205).

- a. For any fiscal year for which the allocation received by Entheos Academy under Part B of the IDEA exceeds the amount Entheos Academy received for the previous fiscal year, Entheos Academy may reduce the level of expenditures otherwise required by maintenance of efforts requirements by not more than 50 percent of the amount of that excess.
  - b. Use of amounts to carry out activities under ESEA/ESSA.
    - (1) If Entheos Academy exercises the authority to reduce the level of expenditures due to an increase in Part B funds, Entheos Academy must use an amount of local funds equal to the reduction in expenditures to carry out activities that could be supported with funds under the ESEA/ESSA, regardless of whether Entheos Academy is using funds under the ESEA/ESSA for those activities.
  - c. The USBE staff must prohibit Entheos Academy from reducing the level of expenditures for a fiscal year, if the USBE staff determines that:
    - (1) Entheos Academy is unable to establish and maintain programs of FAPE that meet the requirements of Part B of the IDEA, or
    - (2) The USBE staff has taken action against Entheos Academy under Section 616 of the IDEA and subpart F of the regulations (Monitoring, Technical Assistance, and Enforcement).
  - d. The amount of funds expended by Entheos Academy for mandatory or voluntary Coordinated Early Intervening Services shall count toward the maximum amount of expenditures that Entheos Academy may reduce under the requirements of this section.
9. If the USBE staff determines that Entheos Academy is not meeting the requirements of Rules, the USBE staff may prohibit Entheos Academy from treating funds received under Part B of the IDEA as local funds under this section for any fiscal year, but only if it is authorized to do so by the State constitution or State statute.
10. School-wide programs under Title I of the ESEA/ESSA (34 CFR § 300.206).
- a. Entheos Academy may use funds received under Part B of the IDEA for any fiscal year to carry out a school-wide program under section 1114 of the ESEA/ESSA, except that the amount used in any school-wide program may

not exceed the amount received by Entheos Academy under Part B of the IDEA for that fiscal year:

- (1) Divided by the number of students with disabilities in the jurisdiction of the LEA; and
  - (2) Multiplied by the number of students with disabilities participating in the school-wide program.
- b. The funds described in this section must be considered as Federal Part B funds for purposes of the calculations required for excess costs and supplanting.
  - c. The funds may be used without regard to the requirements of 34 CFR § 300.202(a)(1) of the IDEA.
  - d. All other requirements of Part B of the IDEA must be met by Entheos Academy using Part B funds for school-wide programs under section 1114 of the ESEA/ESSA, including ensuring that students with disabilities in school-wide program schools:
    - (1) Receive services in accordance with a properly developed IEP; and
    - (2) Are afforded all of the rights and services guaranteed to students with disabilities under Part B of the IDEA.A.

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

1. Students with disabilities ages 3 through 21 who attend public charter schools and their parent(s) or adult students retain all rights under Part B of the IDEA and the Rules.
2. If the public charter school is an LEA that receives funding under Part B or State special education funding, that charter school is responsible for ensuring that all of the requirements of Part B of the IDEA and the Rules are met. Charter schools may not refer potential or enrolled students with disabilities back to their school district of residence due to a disability, child find, or need for special education and related services, including placements.
3. If the public charter school is not an LEA receiving funding under Part B or State special education funding, or a school that is part of an LEA receiving funding under Part B or State special education funding, the USBE is

responsible for ensuring that the requirements of Part B and the Rules are met.

- a. Nothing in the Rules prohibit school districts and charter schools from developing a Memorandum of Understanding (MOU) to address student specific needs and/or placements.

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

1. Entheos Academy may not use more than 15 percent of the amount Entheos Academy receives under Part B of the IDEA for any fiscal year, less any amount reduced by the LEA pursuant to maintenance of effort, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated early intervening services (CEIS), which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.
2. In implementing CEIS, Entheos Academy may carry out activities that include:
  - a. Professional learning (which may be provided by entities other than LEAs) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavior interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
  - b. Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.
3. CEIS may not be used to limit or create a right to FAPE under Part B of the IDEA or to delay appropriate evaluation of a student suspected of having a disability.
4. Entheos Academy that develops and maintains coordinated early intervening services (either mandatory or voluntarily) under this section must annually report to the USBE staff on:
  - a. The number of students served under this section who received early intervening services; and

- b. The number of students served under this section who received early intervening services and subsequently receive special education and related services under Part B of the IDEA during the preceding two-year period.
5. Funds made available to carry out this section may be used to carry out coordinated early intervening services aligned with activities funded by, and carried out under, the ESEA/ESSA if those funds are used to supplement, and not supplant, funds made available under the ESEA/ESSA for the activities and services assisted under this section.

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

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

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

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

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

1. Entheos Academy remains obligated to provide a student with a disability with a FAPE even when Entheos Academy has not personally engaged with the

student during the prior ten consecutive days and therefore may no longer count the student as an eligible student under pupil accounting (R277-419).

2. Entheos Academy will oversee the caseload of each special educator (including psychologists, social workers, speech language pathologists, occupational therapists, physical therapists, adapted physical education specialists, and any other related servers) to ensure that a FAPE is available to all eligible students with disabilities.

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

1. Hearing aids. Entheos Academy must ensure that hearing aids worn in school by students with hearing loss, including deafness, are functioning properly.
2. External components of surgically implanted medical devices.
  - a. Subject to Rules IX.H.2.b, each public agency must ensure that the external components of surgically implanted medical devices are functioning properly.
  - b. For a student with a surgically implanted medical device who is receiving special education and related services, Entheos Academy is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

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

1. Professionals providing services to students with disabilities must hold a Utah Professional Educator License or Endorsement in the area in which they provide services. This includes special education teachers, speech/language pathologists, school psychologists, school social workers, and other professionals. Physical and occupational therapists must hold appropriate Utah licensure. Entheos Academy superintendent or charter school administration shall be responsible for the evaluation of the appropriateness of licenses and endorsements when assigning staff members. Entheos Academy refers to the USBE Teaching, Leadership, and Paraeducator Standards.

2. "License areas of concentration" or "license area" means a designation on a license of the specific educational setting or role for which the individual is qualified, to include the following:
  - a. Early Childhood;
  - b. Elementary;
  - c. Secondary;
  - d. School Leadership
  - e. Career and Technical Education or "CTE";
  - f. School Counselor;
  - g. School Psychologist;
  - h. Special Education;
  - i. Preschool Special Education;
  - j. Deaf Education;
  - k. Speech-Language Pathologist;
  - l. Speech-Language Technician;
  - m. School Social Worker; and
  - n. Audiologist. (R277-301-2.7(a)).
3. Individuals providing psychological evaluation services for students with disabilities must hold a Utah education license for school psychologists or State licensure and meet the assessment publisher's criteria for administration.
4. An adapted physical education endorsement is required for special educators and general educators to teach adapted physical education.

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

1. An LEA that chooses to coordinate with the NIMAC, when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as the USBE under Rules VIII.W.

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

## X. Special Education Funding

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

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

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

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

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

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

**X.C. SPECIAL EDUCATION ADD-ON ALLOWABLE USE (FUND 1205) (UCA 53F-2-307(1); RULES X.C.)**

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

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

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

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

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

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

1. Must be used for direct costs attributable to the cost of ESY provided to students with disabilities, determined by the student's IEP team to require ESY in order to receive a FAPE and in accordance with R277-751.
2. Funds must be used in accordance with Rules X.B. and to cover the direct costs of providing special education to students with disabilities in accordance with R277-751.51.

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

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

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

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

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

1. State special education funds may be spent only for direct costs and construction or altering existing facilities as outlined in Rules X.A. and X.B., Direct costs are those elements of cost which can be easily, obviously, and conveniently identified with specific special education activities or programs, as distinguished from those costs incurred for several different activities or programs and whose elements are not readily identifiable with specific special education activities (Rules X.A.1.).
2. The costs of providing for specially designed instruction, related services, and supplementary aids and services provided in a regular class or other

education- related setting to a student with a disability in accordance with the IEP of the student are allowable.

3. The costs of providing inclusive special education preschool services are an allowable excess cost.
4. The costs of including peer models in IEP services that require a peer model are allowable.
5. The costs of providing co-teaching, in which both a licensed general educator and licensed special education teacher plan and provide specially designed instruction are allowable.
6. Entheos Academy follows the allowable use of state special education funds as listed in Rules X.P.6.

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

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



# ENTHEOS ACADEMY

EXCELLENCE • SERVICE • LEADERSHIP

## 5502 GANG PREVENTION AND INTERVENTION POLICY

### **Purpose**

Entheos Academy officials are concerned about at-risk youth and are trained to recognize early warning signs for youth in trouble, and will report suspected gang activity to the Director and law enforcement.

### **Definitions**

A gang is defined as a group of three or more individuals with a unique name, identifiable marks, or symbols, who may claim a territory or turf, associate on a regular basis, and who engage in criminal, antisocial behavior, or interfere with the normal, orderly operation of the school.

### **Policy**

- I. Gang activities are prohibited in school and at extra-curricular or school-related activities, as is the wearing of gang paraphernalia or apparel that identifies a student as a gang member. Students aligning themselves with gangs or engaging in gang activities may be suspended or expelled from school. Gang paraphernalia or apparel will be confiscated by school officials and not returned. Entheos Academy faculty and staff reserve the right to interpret whether the attire is appropriate.
- II. Entheos Academy administrators and other school personnel designated by the administration shall have the authority to identify student behavior as gang-related and may be allowed under district policy to treat such designated behavior as imminently dangerous to students and staff and follow the procedures outlined in this policy for disciplining students involved in gang-related activities.
- III. In disciplining students under gang-related provisions, Entheos Academy administrators shall act consistently with and be sensitive to Constitutional protections of freedom of expression and freedom of association.
- IV. Students and parents/legal guardians should be given notice that courts have determined that the parameters of freedom of expression and freedom of association in a public

## 5502 Gang Prevention and Intervention Policy

school setting are different than in society generally.

- V. Incidents of gang-related behavior or association may include, but are not limited to:
1. wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblem, tattoo, badge, symbol, sign, or other items which evidence membership in a gang;
  2. use of name associated with or attributed to a gang;
  3. designation of turf or an area for gang activities, ~~or~~ occupation, or ownership; or
  4. any combination of the preceding indices or activities.



# ENTHEOS ACADEMY

EXCELLENCE • SERVICE • LEADERSHIP

## 5406 PROTECTION OF PUPIL RIGHTS NOTIFICATION AND CONSENT/OPT-OUT

### **Purpose**

In accordance with 53A-13-301 and 53A-13-302, LEAs shall adopt policies governing the protection of family and student privacy. These policies shall require prior written consent of the parent or legal guardian of a student before administering and collecting the information listed below, whether **the** information is personally identifiable or not.

### **Prohibited Activities**

Any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation, in which the purpose or intended effect is to cause the student to reveal information concerning the student's or any family member's:

- (a) political affiliations or political philosophies;
- (b) mental or psychological problems;
- (c) sexual behavior, orientation, or attitudes;
- (d) illegal, anti-social, self-incriminating, or demeaning behavior;
- (e) critical appraisals of individuals with whom the student or family member has close family relationships;
- (f) religious affiliations or beliefs;
- (g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and
- (h) income, except as required by law.

A general consent used to approve admission to school or involvement in special education, remedial education, or a school activity does not constitute written consent under this policy.

Prior written consent shall be required from the parent or legal guardian of a student in all grades, kindergarten through grade 12.

Prior written consent shall be required for activities within the curriculum as well as other school activities.

### Requirements for Valid Prior Written Consent

Parent shall be provided written notice, at least two weeks prior to administration (except in response to a situation which a school employee reasonably believes to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, or by order of a court). Following disclosure, a parent or guardian may waive the two-week minimum notification period.

This notice shall include:

- (a) Notice that a copy of the educational or student survey questions is made available at the school
- (b) An Internet address where a parent or legal guardian can view the exact survey to be administered
- (c) Reasonable opportunity to obtain written information concerning:
  - a. Records or information, including information about relationships, that may be examined or requested;
  - b. how the records or information shall be examined or reviewed;
  - c. how the information is to be obtained;
  - d. the purposes for which the records or information are needed;
  - e. the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and
  - f. a method by which a parent of a student can grant permission to access or examine the personally identifiable information.

### Authorization

The prior consent is valid only for the activity for which it was granted, unless otherwise agreed to by a student's parent or legal guardian and the person requesting written consent.

To terminate the authorization, the authorizing parent or guardian shall submit a written withdrawal of authorization to the school principal.

### Exceptions

If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent or guardian without delay, unless the matter has been reported to the Division of Child and Family Services within the Department of Human Services.

## **5406 Protection of Pupil Rights**

If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of:

- (a) referring the student to appropriate prevention services; and
- (b) informing the student's parent or legal guardian.

In accordance with §53A-11a-203(3), schools shall notify parents or legal guardians of such threats and incidents. Following parent notification of student suicide threat, bullying incident, cyber-bullying incident, harassment incident, hazing incident or retaliation incident, schools shall maintain a record of the notification, securely and confidentially, consistent with §53A-11a-203.



# ENTHEOS ACADEMY

EXCELLENCE • SERVICE • LEADERSHIP

## 3400 FEE AND FEE WAIVER POLICY

### **Purpose**

In compliance with Utah Code 53G-7-503, Entheos Academy maintains the following policy on fees and fee waivers.

### **Policy**

- I. Entheos Academy will not charge fees for students in grades six through eight. There are no fees for activities during the school day.
- II. The Entheos Board of Directors will approve the Fee Schedule (if applicable) annually. Prior to registration and payment of Fees, notice of fees (if applicable) will be provided to each student's parents or guardians.
- III. Payment of fees (if applicable) is strongly encouraged to provide an enhanced educational experience; however, fees will be waived for any family that requests it. Therefore, no application process will be required, as all written requests will be honored.
- IV. All students will receive equal access to educational opportunities, and no student will be denied participation in any activity sponsored by Entheos Academy due to non-payment of fees. In addition, a student's fee waiver status is private and strictly limited to essential business staff only. Fees will never be charged for elementary-grade students (kindergarten through grade five).

ENTHEOS BOARD POLICY — UPDATED OCTOBER 29, 2013

UPDATED JUNE 27, 2019, MARCH 25, 2021, MAY 27, 2021, JUNE 22, 2022, APRIL 26, 2023, APRIL 25, 2024, MAY 22, 2025

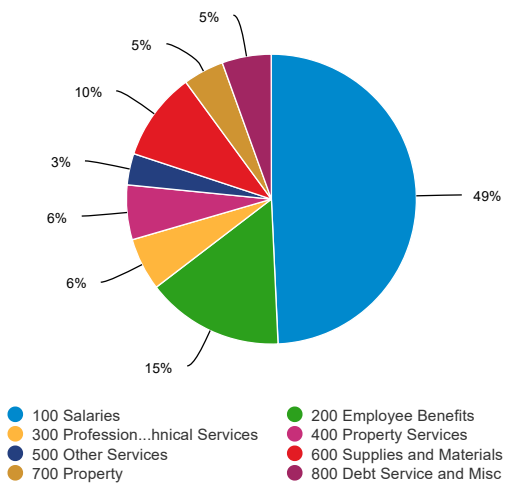
**Financial Summary**

Category	YTD Amount	Total Budget	Total Forecast	% Target	% Forecast
<b>Revenue (3 School Category records)</b>					
1000 Local Revenue	\$364,870	\$518,850	\$543,850	48.7%	67.1%
3000 State Revenue	\$8,784,040	\$12,598,143	\$13,338,266	65.6%	65.9%
4000 Federal Revenue	\$328,352	\$929,124	\$951,826	0.0%	34.5%
<b>TOT</b>	<b>\$9,477,263</b>	<b>\$14,046,117</b>	<b>\$14,833,942</b>		
<b>Expense (8 School Category records)</b>					
100 Salaries	-\$4,151,529	-\$6,395,000	-\$6,395,000	61.9%	64.9%
200 Employee Benefits	-\$1,281,709	-\$1,991,544	-\$1,991,544	65.8%	64.4%
300 Professional and Technical Services	-\$387,108	-\$757,350	-\$761,500	16.6%	50.8%
400 Property Services	-\$489,404	-\$761,060	-\$793,060	12.9%	61.7%
500 Other Services	-\$184,076	-\$453,000	-\$453,000	13.9%	40.6%
600 Supplies and Materials	-\$825,569	-\$1,282,091	-\$1,282,091	-0.0%	64.4%
700 Property	-\$333,332	-\$591,000	-\$591,000	-0.0%	56.4%
800 Debt Service and Misc	-\$453,057	-\$712,689	-\$712,689	59.3%	63.6%
<b>TOT</b>	<b>-\$8,105,784</b>	<b>-\$12,943,734</b>	<b>-\$12,979,884</b>		
<b>TOT</b>	<b>\$1,371,479</b>	<b>\$1,102,383</b>	<b>\$1,854,058</b>		

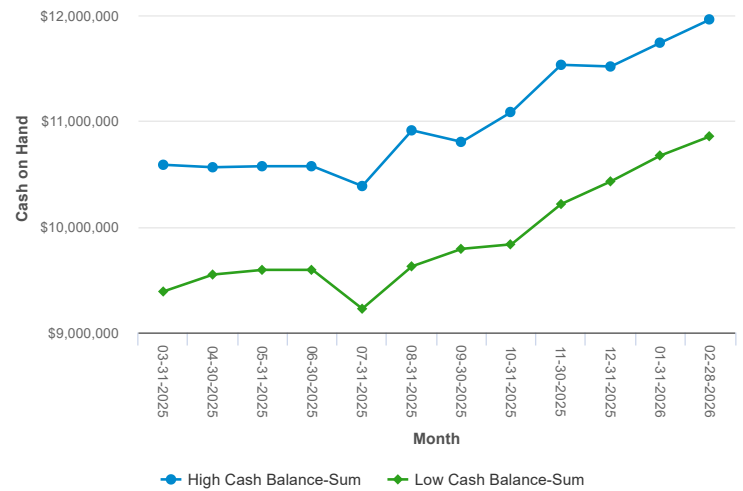
**Financial Metrics**

Financial Metric	Covenant	Target	Forecast
Net Income		398,565	1,854,058
Operating Margin		4.5%	12.5
Debt Service Ratio	1.10	1.37	3.94
PTIF Balance			9,149,525
Unrestricted Days Cash	30	150	341
Restricted Cash			509,311

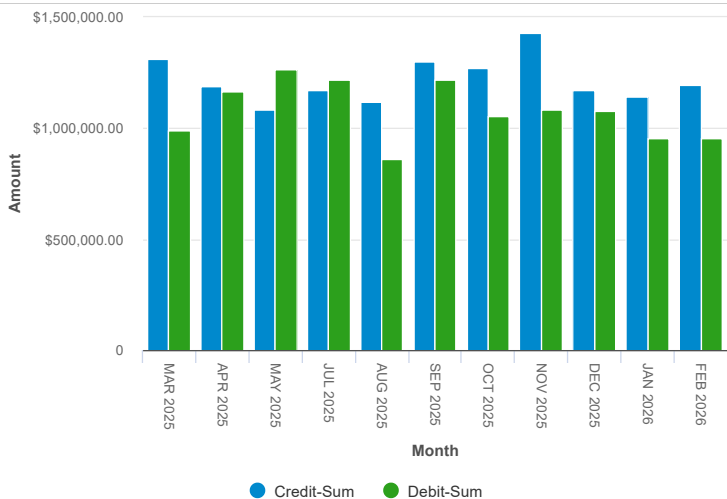
**Expense Distribution**



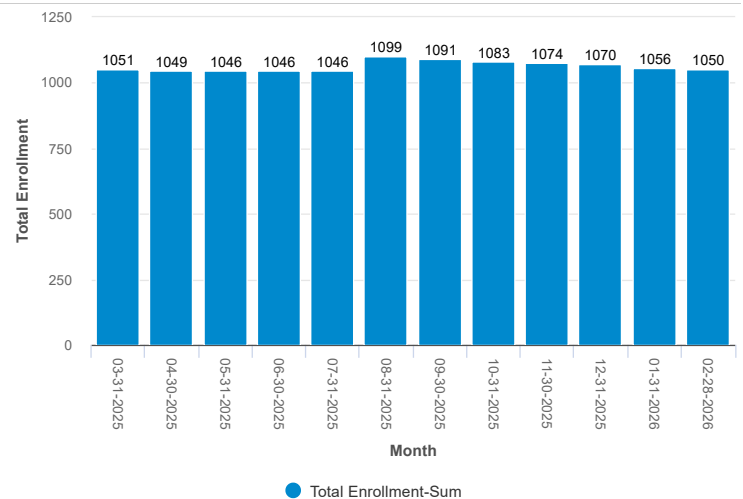
**Cash Balance**



**Revenue vs Expenses**



**Enrollment Trend**





ENTHEOS ACADEMY

EXCELLENCE • SERVICE • LEADERSHIP

# Entheos Magna Director's Report

**March 2026**

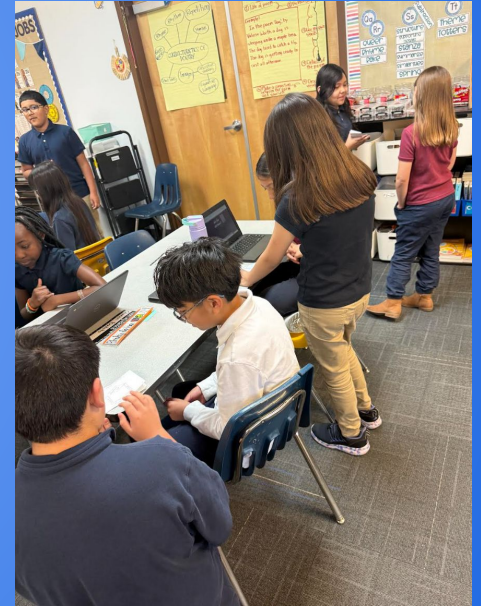
# Service Learning/Adventure

- *Next Mobile School Pantry will be March 23rd.*
- Mrs. Mair's class took on Mr. Bennion's challenge of taking our crew out to clean up outside (photos)
- The kindergarten classes each made a blanket to give to people who are homeless as part of their **Weather Wonders! Expedition** (this creates discussion about needs of people during cold weather). Miss Wright's class did quality control on the blankets to make sure they were ready to donate. The blankets were donated to Connie Crosby Family Resource Center of the Road Home. The worker that accepted the blankets wanted to make sure that everyone involved knew that they were thanked with all their hearts and that they're very grateful! (photos)



# Service Learning/Adventure

- For the month of February and the Entheos value of leadership, Miss Shupe's crew made mini Leadership Books that included quotes, comics, an active learning map and a kindness/growth mindset challenge. Her students did the kindness challenge and shared the books with Miss Wright's class. (photo)
- As a part of their **Journey into the Amazon Rainforest Expedition**, Miss Shupe's crew demonstrated a "GROWTH" mindset by completing their morning work within the time frame given. Each student who completed their morning work earned \$0.25 towards purchasing a 1/2 acre piece of land. Additionally, during lunch students earned \$0.25 for choosing only as much fruits and vegetables as they could eat and not wasting them. Students earned enough to adopt a 1/2 acre of Pantanal National Park, Brazil.



# Staff Spotlight

## McKenna Howell - Kitchen



McKenna is strong, steady, and deeply committed—she leads with both grit and heart. She sets high expectations and keeps things moving forward, creating a culture of teamwork and accountability. While she may be direct, those who know her best see her generosity and compassion. Whether it's stepping in to support someone in need or rallying around her team, she shows up when it matters most. Her leadership is the backbone of the kitchen. She brings both excellence and flair to her work, infusing energy, heart, and creativity into every task. McKenna is not only a tireless worker but someone you can rely on to see things through with care and precision. Her dependability, leadership, and deep commitment to students make her truly exceptional and an essential part of our team.

Thank you McKenna!

# Staff Spotlight

## Lori Orren - Kitchen



Lori's creativity is nothing short of inspiring. She has a remarkable gift for turning everyday moments into something special, never letting a holiday or event pass without adding her thoughtful and unique touch—it truly feels like an extension of who she is. Beyond her creativity, Lori is a collaborative and supportive teammate who is always ready to jump in and help wherever needed. Her positivity, knowledge, and willingness to serve make her an invaluable part of our crew, and our school simply wouldn't be the same without her.

Thank you Lori!

# Staff Spotlight

## Arianna Foutz - Kitchen



Ari has built such meaningful connections with our students—it's clear how deeply she cares. She brings joy and relatability into her interactions, creating a space where students feel seen and valued. Watching her growth over the past year has been remarkable. She approaches challenges with humility and determination, always willing to learn, adjust, and keep moving forward. Her resilience, heart, and commitment to students make her a powerful and uplifting presence on our team.

Thank you Arianna!

# Staff Spotlight

## Jocelyn Winn - Kitchen



Jocelyn may be new to our school, but she is already flourishing. She has been an absolute gem to welcome into our crew, bringing fresh energy, positivity, and a strong willingness to learn. Her ability to quickly adapt and take on new responsibilities speaks to her dedication and potential. Having recently completed an 18-month mission, she brings a unique perspective and strong work ethic to her role. Her positive impact is already evident, and we are genuinely excited to see all that she will accomplish moving forward.

Thank you Jocelyn!

# New Teacher

## Maggie Mair - 2nd Grade



We are excited to introduce our new 2nd grade teacher, Mrs. Maggie Mair.

We are pleased to share that we have hired a new teacher to fill this position. Please join us in welcoming Mrs. Maggie Mair to Entheos Academy. Mrs. Mair brings valuable experience and a strong passion for student learning, and we are excited for her to join our team and support our students moving forward. She has already made a huge impact at Entheos!

*Hello,*

*My name is Maggie Mair. I have been teaching for 8 years and have taught 2nd grade for 7 of those years. My favorite subject to teach is history or language arts. I love working with students on their reading and helping them be successful in school. I have been married for 19 years, 2 kids and a cute frenchie. I am an avid hockey fan, love baking, and riding motorcycles. I am excited to join the Entheos team and be a part of your child's education this year!*

# 25-26 Work Plan

## Entheos Academy District 2025-26 Work Plan/ TSSA Plan

Multi-Year Impact Goals	Mastery of Knowledge and Skills	Character	High Quality Work
	Entheos Academy will meet or exceed state growth scores on EOY testing in the areas of: Early Literacy Math ELA Science	Entheos Academy will create and maintain a school-wide approach to teaching students to be ethical people, effective learners, and individuals who contribute to a better world.	High Quality Expeditions and classroom experiences will be implemented in every grade, which generate student work that is complex, has high craftsmanship, and is authentic.
<b>2025-26 Performance Goals</b>	65% of students will make typical or better growth by the end of the year, as measured by the state assessments of Acadience and RISE. This goal includes the subcategories of <ul style="list-style-type: none"> <li>● English Language Learners</li> <li>● Special Education Students</li> </ul>	80% of teachers will implement a morning Crew centered around our school values, and support our Entheos PBIS structure with strong classroom management to help shape student character.	80% of students will have High Quality Work samples from the current school year in their portfolio by EOY.
<b>2025-26 Implementation Priorities</b>	Core Practice 30 D Core Practice 29 B	Core Practice 23 B Core Practice 21 B	Core Practice 12 D
<b>Leadership Multi-Year Impact Goal</b>	To foster an environment that facilitates a strong, confident, supported, and capable staff crew with an increased sense of teacher efficacy.		
<b>2025-26 Leadership Goal</b>	<ol style="list-style-type: none"> <li>1. By the end of the academic year, each school administrator will have visited at least 10 classrooms per week to build relationships and stay informed about student and teacher needs.</li> <li>2. Increase regular student attendance by 3% from 2024-25 to 2025-26.</li> </ol>		

# 25-26 Work Plan

## Mastery of Knowledge and Skills

**Learning Target:** I can use **1)** evidence-based differentiated instructional strategies, **2)** engaging protocols and **3)** data analysis to achieve 65% or more of my students making typical or better growth.

RISE scheduling is set for following Spring Break. Teachers are currently working on some RISE motivators to get the students ready.

# 25-26 Work Plan

## High Quality Work

**Learning Target:** I can recognize what high quality work looks like for the grade level/s and subjects that I teach, and ensure that my students produce high quality work, samples of which are housed in their portfolios.

Our MOY portfolio check showed a great deal of growth in quality from last year to this year. We're very excited to see the portfolios and HQW that the students will have completed by the end of the school year.

# 25-26 Work Plan

## Character

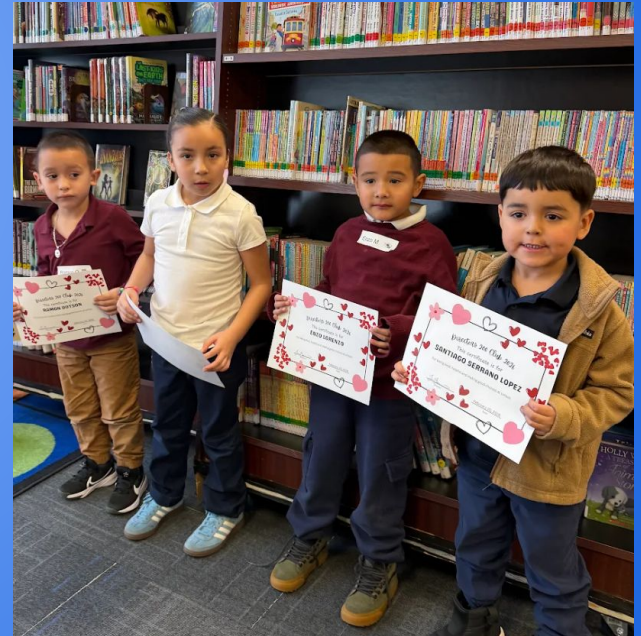
**Learning Target:** I can implement a strong crew centered on the school values to create, shape and reinforce good character.

**Learning Target:** I can support our Entheos PBIS structure with strong classroom management.

Our Director's 200 Club recently had another celebration for our amazing students.

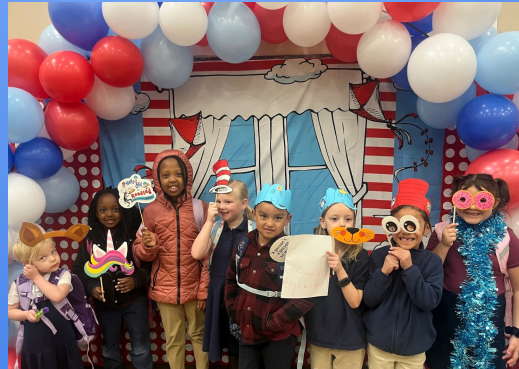
# Director's 200 Club

We got to celebrate all of our amazing Director's 200 Club winners! We have a couple more parties coming up.



# Dr. Seuss Day

Ms. Charlene put on a *SPLENDIFEROUS* Dr. Seuss Day for our students and families.



# Middle School Dance



# Entheos Kearns Director's Report

March 2026



**ENTHEOS ACADEMY**

**EXCELLENCE • SERVICE • LEADERSHIP**

# Service Learning/Adventure

The following was reported by Melanie Louviere:

## Service:

- Kindergarten made blankets for the Rescue Mission along with cards that said, "You matter to someone." Jenna's third grade buddy crew helped teach them how to tie knots. This is part of their **Weather Wonders! Expedition** to help students learn about how the weather can affect people that don't have a warm home to live in.
- 4th grade made postcards about Utah animals in their **Fantastic Beasts of Utah Expedition**. These postcards are being donated to libraries in the area. Mrs. Pierce's class picked up trash in the playground to help keep our school clean.



## Adventure: N/A

American Beaver

By Selena

Habitat: lakes, ponds, wetlands and swamps

Diet: inner bark, maple trees, aspen trees, willow trees, and leaves

Adaptations:



- They have waterproof fur.
- They have webbed feet.

Fun Facts:

- North America's largest rodent
- Weighs 30-70 lbs

Sources:

- Forest Preserve District of Cook County
- National Wildlife Federation



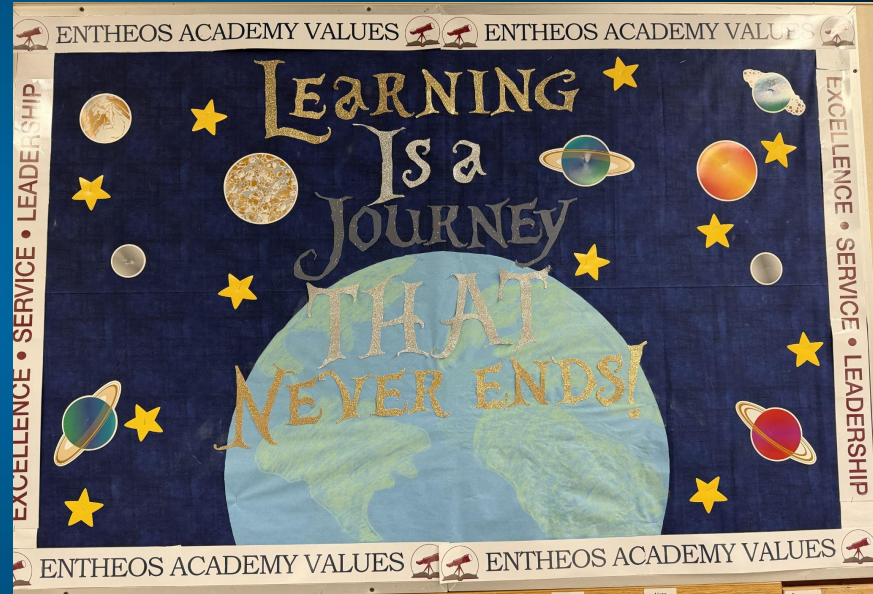
# PCO

The following was reported by PCO:

PCO has helped coordinate the uniform exchange.

PCO has also helped with managing the lost and found items.

PCO continue to update our bulletin board.



# Staff Recognition

---

Support: Tanielle McDaniel

Ms. McDaniel is our incredible librarian and our go-to leader for school wide celebrations. She has been a pivotal member of our Kearns crew for nine years. Her creativity and genuine enthusiasm for helping students feel valued and celebrated are truly exceptional. Tanielle thoughtfully organizes our Dr. Seuss birthday celebration for families, coordinates themed book fairs that generate excitement around reading, and partners with school administration to support events such as the Directors' 200 Club celebrations. Her energy, organization, and heart for students contribute significantly to our positive school culture. We cannot imagine our school without her. Thank you!

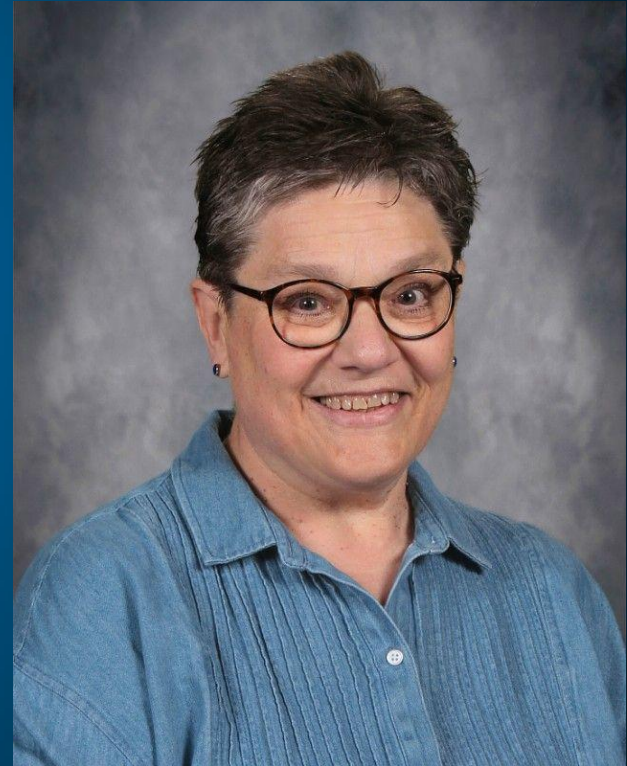


# Staff Recognition

---

Elementary: Annette Kosten

Miss Annie has been a member of our Entheos crew for thirteen years. She is an educator who consistently creates a classroom that is both well-structured and infused with just the right balance of joy. It is always a pleasure to visit her class and observe the engaging, memorable lessons she designs for her students. The environment she has cultivated allows students to feel safe taking academic risks and openly acknowledging their struggles. That level of vulnerability speaks volumes about the trust, respect, and strong relationships she has intentionally built within her classroom community. Thank you for all that you bring to our school community, Annie.



# Staff Recognition

---

Middle School: Aviry Stratton

Coach Stratton join us this year and is an incredibly hardworking member of our crew. She has fully embraced the Entheos values and has seamlessly integrated them into her physical education program. Aviry thoughtfully adapts instruction to meet the needs of all grade bands and ability levels while maintaining clear expectations and strong classroom management. Her structured, high-energy environment ensures that students are engaged, supported, and challenged to do their best. In addition to her structured and high-energy environment, she brings creativity to her instruction, most recently having middle school students design infographics outlining their personal PE goals. Her innovative approach keeps students engaged, reflective, and invested in their growth.



# Work Plan: Mastery of Knowledge and Skills

---

## 2025-26 Performance Goal:

65% of students will make typical or better growth by the end of the year, as measured by the state assessments of Acadience and RISE. This goal includes the subcategories of Multi Language Learners and Special Education Students

This year's MKS Learning Target for teachers:

I can use 1) evidenced based differentiated instructional strategies, 2) engaging protocols and 3) data analysis to achieve 65% or more of my students making typical or better growth.

MKS continued the data inquiry team meeting observations for the final trimester. Five teachers attended the NTCM math conference in New Orleans. We also sent our Special Education teachers and some paras to the Council for Exceptional Children Conference, held in Salt Lake City. Teacher merit award verification training was delivered to relevant teachers on 3/13/2026.

# Work Plan: Character

---

## 2025-26 Performance Goal:

80% of teachers will implement a morning Crew centered around our school values, and support our Entheos PBIS structure with strong classroom management to help shape student character.

This year's Character Learning Target for teachers:

I can implement a strong crew centered on the school values to create, shape and reinforce good character. I can support our Entheos PBIS structure with strong classroom management.

The Character Crew continues to build and strengthen both character and community across the school. During a recent community circle, the team recognized student growth by presenting over 100 certificates to students who met their mid-year i-Ready Stretch Growth goals. Additionally, nearly 200 certificates were awarded to students who achieved their mid-year i-Ready Typical Growth goals, celebrating their progress and commitment to learning.

# Work Plan: High Quality Work

---

## 2025-26 Performance Goal:

80% of students will have High Quality Work samples from the current school year in their portfolio by EOY.

This year's HQW Learning Target for teachers:

I can recognize what high quality work looks like for the grade level/s and subjects that I teach, and ensure that my students produce high quality work, samples of which are housed in their portfolio.

The High-Quality Work crew facilitated a professional development session focused on Planning for Authenticity in Student Work, grounded in the EL Education Core Practices. During the session, teachers were challenged to reflect on their planning for high-quality final products, identifying opportunities to refine and strengthen authenticity, particularly by increasing connections to real-world contexts, community engagement, and service.

# Work Plan: Leadership

**2025-26 Performance Goals:** (1) By the end of the academic year, each school administrator will have visited at least 10 classrooms per week to build relationships and stay informed about student and teacher needs. (2) Increase student regular attendance by 3% from 2024-25 (51%) to 2025-26 (54%).

We surpassed our teacher parent conferences from last year. This year we achieved 92.9% attendance for parent conferences compared to 90.3% for last year at the same time of year. We continue to visit classrooms and provide real time feedback to teachers. Teachers have also embraced the peer teacher observations, where they are open and receptive to other teachers' strategies and protocols, thereby improving the culture and trust of the workplace.

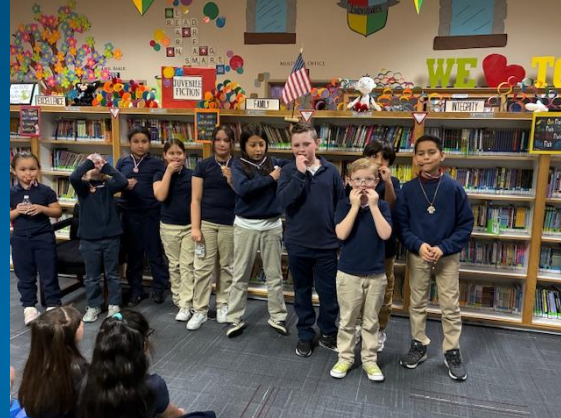


# First-Grade Fieldwork to Hogle Zoo

Despite the cold and rain, our adventurous first graders visited Utah's Hogle Zoo to explore and deepen their learning about living things.



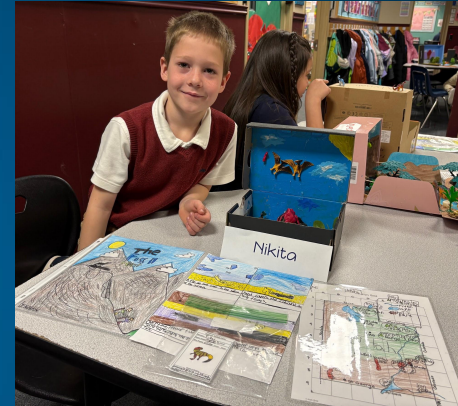
# D200 Olympics Celebration 2026



Eighteen of our elementary students participated in our Director's 200 Club celebration, and this term's theme was the D200 Olympics! Students had a fantastic time competing in fun events like the javelin throw with pool noodles, a slalom course using roly carts, hockey with pool noodles and balloons, and more! The foyer was filled with smiles, cheers, and lots of laughter as everyone joined in the fun. It was a great celebration for our students' hard work!

# 2nd Grade Celebration of Learning

Our second-grade students presented their learning about dinosaurs and fossils. It was a spectacular display of high-quality work.



# Congrats to our 13 students with 50 or more Service hours

Harley Boren

Yaretzi Cortes

Bradley Martinez

Amelia Minnick

Zion Red Thunder

Cariee Cromer

Ashley Duffin

Rosie Edvik

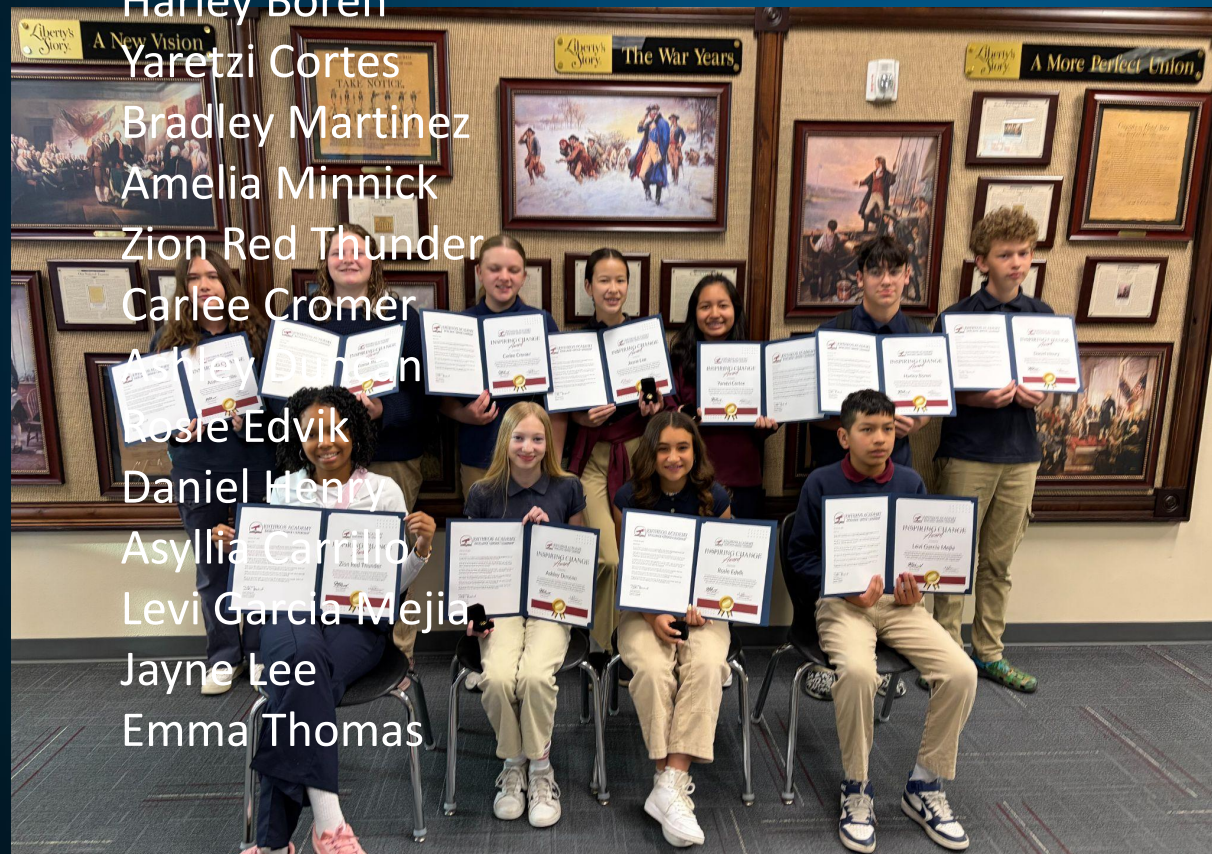
Daniel Henry

Asyllia Carrillo

Levi Garcia Mejia

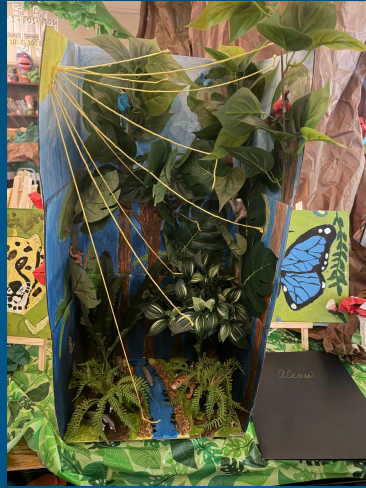
Jayne Lee

Emma Thomas



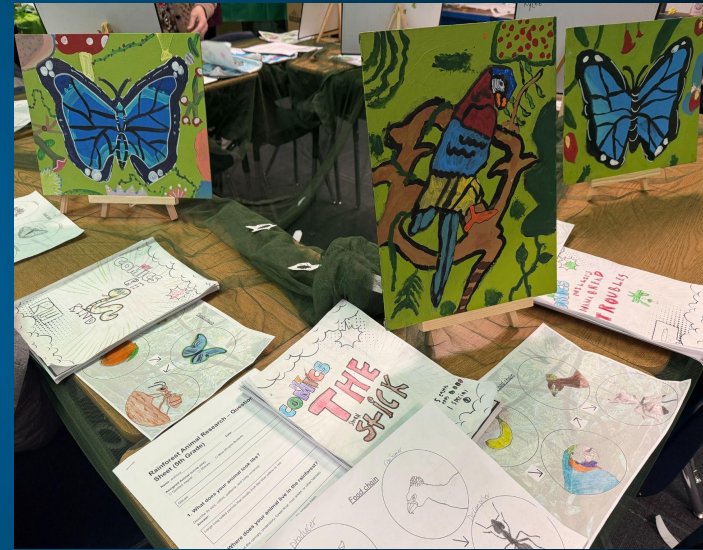
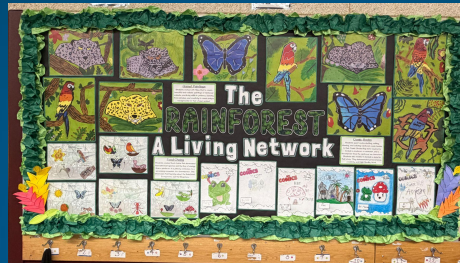
# 5th Grade Celebration of Learning

Our fifth-grade students presented their learning about the rainforest and the animals who live there.



# 5th Grade Celebration of Learning

Our fifth-grade students presented their learning about the rainforest and the animals who live there.



# State Science Fair Winners

6 individual awards were won by the following students:

- Kalila Hunt - 2nd Place Behavioral, Social, or Health Sciences [Junior Division]
- Aluel Atem - 2nd Place Physical or Chemical Sciences [Elementary Division]
- Ethan Maas - 3rd Place Physical or Chemical Sciences [Junior Division]
- Zion Red Thunder - Honors [Junior Division]
- Emily Maas - Honors [Elementary Division]
- Emris Sheya - Honors [Elementary Division]

(Honors are awarded to the Top 10

Projects outside of category winners)



# Entheos Executive Director's Report

...

March 2026

# Upcoming Calendar Dates

## Magna

- 3/30 - 4/3 Spirit Week
- 4/2 Spring Music Recital, 6-7:30pm
- 4/3 Community Circle
- 4/6 - 10 Spring Break
- 4/13 EOY RISE Testing Begins
- 4/20 EOY Acadience and IReady Begins

## Kearns

- 4/6 - 10 Spring Break
- 4/13 EOY RISE Testing Begins
- **4/15** **Grade 1 C.O.L., 4:15 - 5:15 pm**
- 4/20 EOY Acadience and IReady Begins
- 4/21 - 23 Grade 7 Arches Trip

The schools are gearing up for EOY State testing over the next month, so calendars are lighter.

# 2025- 26 Enrollment

	<b>Magna</b>	<b>Kearns</b>
<b>Enrollment</b>	467	580
<b>Waitlist</b>	122	105

# 2026- 27 Enrollment

	<b>Magna</b>	<b>Kearns</b>
<b>Enrollment</b>	479	611
<b>Waitlist</b>	49	68

# Teacher Merit Award Parent Satisfaction Survey Results

As part of the State Teacher Merit Award program in which we are participating, parents took surveys for each participating teacher. We received **489** parent responses and the results are outstanding!

Although the parent survey results for each teacher count for only 5% of their total score (20% on teacher evaluation and the remaining 75% is on RISE/Acadience results), the data shows that our teachers are exceptional in the eyes of our parents!

Take a look at the following Entheos results:

# Redefining the Standard for Parental Satisfaction

4.84

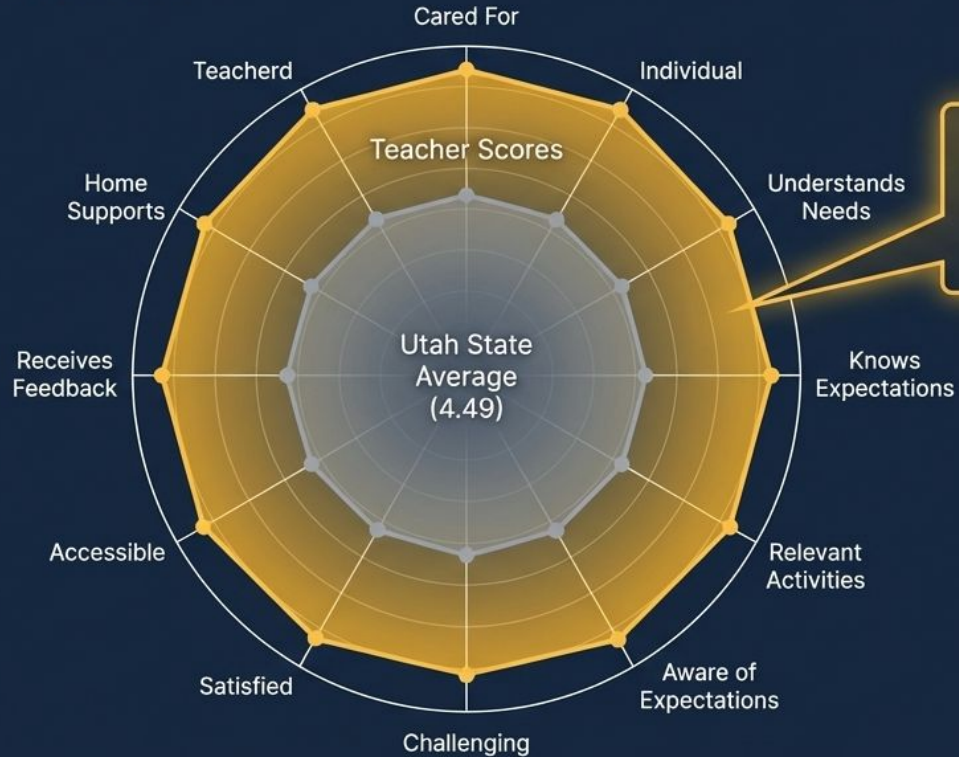
Teacher Overall Average Score (out of 5.0)

4.49

Utah Overall Average Score

A near-perfect parent satisfaction rating that **significantly outpaces the state standard** across all measured dimensions.

# Comprehensive Outperformance Across Every Metric



Zero metrics fall below the state average. Consistent excellence from 4.75 to 4.88.

# Pillar 1: Fostering a Culture of Empathy and Care



4.88

My child is cared for and respected by the teacher in this classroom.

The absolute highest score achieved in the 2026 survey.

Utah Average (4.49)

My child is treated as an individual.

4.86

The teacher understands my child's needs.

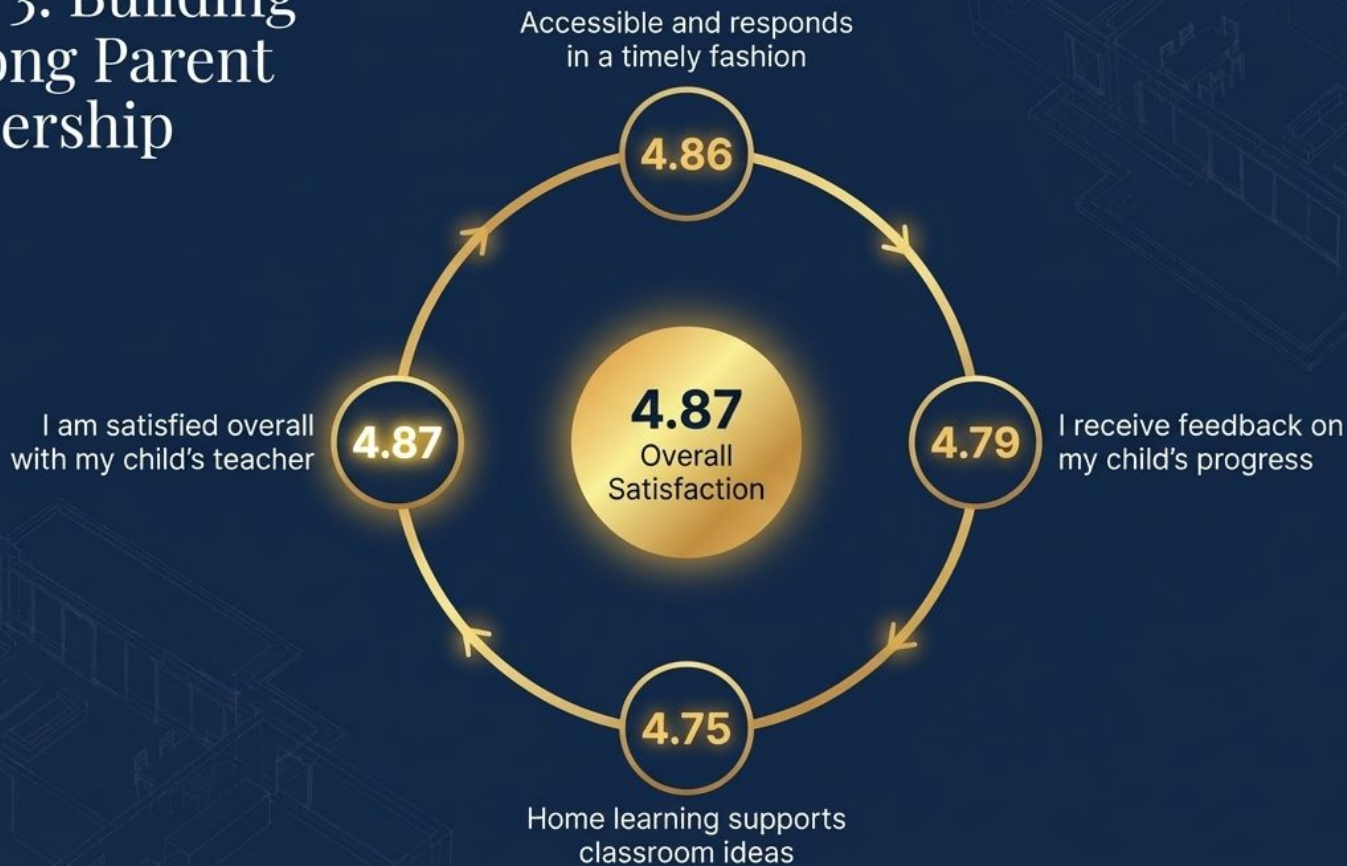
4.85

## Pillar 2: Maintaining Academic Rigor and Clarity



Flawless execution of classroom mechanics. Students and parents alike report near-perfect alignment on academic expectations.

# Pillar 3: Building a Strong Parent Partnership



# 2026 Legislative Overview

The Utah State Legislature has concluded its 2026 session. USBE and UAPCS are currently reviewing the newly passed legislation to identify specific implications for charter schools. Key highlights include:

- **HB 1 (Public Education Base Budget) | Effective: July 1, 2026** Increases the WPU to **\$4,870** (4% increase) and specifically funds the **\$856,700 Effective Teachers in High Poverty Schools Incentive Program**. This provides critical retention bonuses for high-performing teachers at schools serving high-need populations.
- **SB 186 (Charter School Modifications) | Effective: May 12, 2026\*** Establishes a funding "floor" of **\$40,000** for schools with <2,000 students. It also allows charters to form **Service Agencies** to pool resources for HR, specialized SPED services, and grant support to achieve economies of scale.
- **SB 241 (Early Literacy) | Effective: July 1, 2026** A high-priority mandate aiming for **80% reading proficiency by 2030**. To support this, **\$16M** has been allocated statewide for literacy paraprofessionals to assist with classroom interventions.
- **HB 84 (School Safety Amendments) | Effective: May 12, 2026\*** Shifts security funding from competitive grants to a **predictable formula-based distribution**. This provides a reliable revenue stream for infrastructure improvements.

# Strategic Update: 3rd Grade Retention (SB 241)

The "Mississippi Model" for retention was passed, but with a **delayed implementation** to allow schools to catch up:

- **Mandatory Retention:** Starting in the **2029-2030 school year**, 3rd graders scoring "well below" benchmark must be retained.
- **Early Intervention:** Effective this year, any student below benchmark in grades K-3 **must** have an **Individualized Reading Plan** and be considered for intervention or earlier retention.
- **Exemptions:** Hard-retention rules will include "Good Cause" exemptions for students with IEPs, or English Language Learners.

**Next Steps:** We will need to review our K-2 intervention data this fall to ensure our current "Individualized Reading Plans" align with the new SB 241 standards.

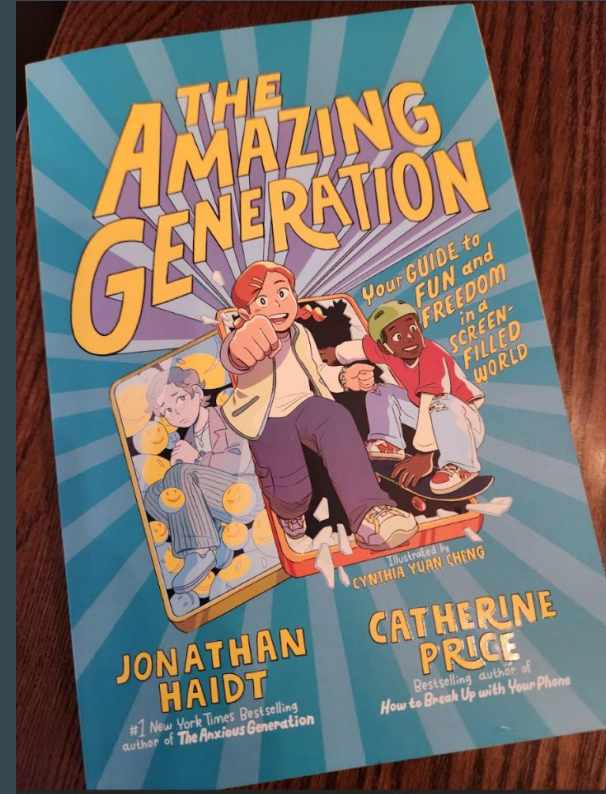
# The Anxious Generation-

There is a #1 *NEW YORK TIMES* BESTSELLER book, inspired by the *The Anxious Generation*, and it is EXCELLENT!

*“This new book for kids and tweens is a comprehensive guide for living a happy and exciting life that isn’t hijacked by a smartphone. Now, Haidt and Catherine Price, author of the bestselling *How to Break Up with Your Phone*, have teamed up to create a new book that speaks directly to kids. Their goal? To empower young people to stand up for themselves by choosing a life not dominated by screens and social media.” - Amazon*

The reading age: 10-12 or recommended for grades 4-7.

We are currently determining a way to plug this book into our Entheos experience so that our students read it at school next year.



# CEC 2026 Convention & Expo in Salt Lake City

We were fortunate enough to be able to send a large team of our Special Educators and paraprofessionals to the National “Council for Exceptional Children” Convention this year, as it happened to be being held in SLC! The convention offered the following, focused on Special Education:

- Comprehensive Professional Development  
With over 300 sessions covering a wide range of topics in special education, the convention offers actionable strategies, research insights, and tools to enhance practice.
- Networking Opportunities  
Connect with thousands of special education professionals from around the world, including teachers, administrators, and researchers, to share experiences and build lasting professional relationships.
- Innovative Resources and Exhibits  
Explore the Expo Hall featuring over 200 exhibitors showcasing the latest products, technologies, and services designed to support educators in the classroom and beyond.
- Engaging Special Events  
Participate in events like the Opening Reception, Awards and Recognition Luncheon, and the Yes I Can Awards, celebrating achievements and fostering a sense of community among attendees.



# National Council of Teachers of Mathematics Conference

We were able to send a group of our teachers and administrators (funded by Land Trust to support our Math goal) to the NCTM Spring Conference in New Orleans, March 16-18. The National Council of Teachers of Mathematics advocates for high-quality mathematics teaching and learning for each and every student.

## About The Event

The conference theme draws on the concept of “joie de vivre” (joy of living) to challenge mathematics educators to reimagine their instructional practices, content, assessment, and technology in ways that spark freedom and exuberance in mathematics teaching, learning, and understanding.

## Why Attend?

- Inspiring education sessions from leading mathematics educators
- Expert keynote speakers and leaders in mathematics education
- Networking, games, giveaways and great ideas
- New advances, technologies, and ideas on display in our exhibit hall



**Questions?**



# ENTHEOS ACADEMY

EXCELLENCE • SERVICE • LEADERSHIP

26 March 2026

## Consent Agenda Items:

1. New Teacher for Approval
2. Policies for Approval

1. New Teacher for Approval
  - a. Margaret Mair - Magna 2nd Grade
2. Policies for Approval
  - a. 3301 Nutrition Collection Policy
  - b. 4201 Staff Dress Code Policy
  - c. 5400 Student Dress Code Policy
  - d. 5501 Reporting of Prohibited Acts
  - e. 5200 Attendance and Tardy Policy

## 3301 NUTRITION COLLECTION POLICY

### A. Purpose and Background

- I. ~~The National School Lunch, Breakfast, and After-School Snack Programs~~**National School Lunch, Breakfast, and the After-School Snack Program** are federal programs in which this school participates. Pricing policies for school meals are determined at the local level. This includes decisions regarding the extension of credit for meals; and the option to provide alternate meals to students when there are insufficient funds in the meal account.
- II. Purpose of policy

- a. Clarify how Entheos Academy will notify parents/guardians regarding outstanding meal accounts.
- b. Notify parents/guardians of the school's procedures for providing meals if ~~students'~~ ~~students~~ meal accounts are delinquent
- c. Assure and remind parents and school employees that students will not be confronted or embarrassed with ~~regard~~ ~~regards~~ to money owed for school meals.

## B. Definitions

- I. **“Meal Charges”** are any transactions made with Entheos in exchange for food through the lunch, breakfast, or other food and meal programs provided by Entheos Academy.
- II. **“Student~~Family~~ Accounts”** are the grouping of meal charges by ~~students~~ ~~associated family members~~ attending Entheos Academy schools.
- III. **“Automated Meal Payment System”** (~~COMPASS~~) means a ~~web-based~~ ~~web-based~~ system ~~that~~ ~~which~~ allows parents to review funds in students' meal accounts, informs parents of account balances and student meal payments, and sends messages to the parent when funds in the account are in the negative.
- IV. **“Collection Efforts”** means a collection agency or other means that Entheos Academy uses to collect delinquent lunch balances. **Entheos Academy may not withhold student records for unpaid school meal balances.**
- V. **“Delinquent Account”** means a student's meal fund account that does not have adequate funds to cover the meal charges by ~~the~~ student/parent. Entheos Academy is responsible for the collection of funds in advance of the meal being served, as well as the collection of delinquent accounts. The nutrition program is responsible for applying collected funds.
- VI. **“Federal Standards for Free Meals”** means the free meal receives the highest federal rate of reimbursement. The meal is served at no cost to the student.
- VII. **“Meal Charging”** means allowing students who do not have funds in their ~~accounts to receive a reimbursable meal, with parents or other sources paying for the meal at a later date~~ ~~account to receive a reimbursable meal, with parents or other sources paying for these meals at a later time~~. Entheos Academy is not required by state or federal law to provide meals to students who do not have the funds to pay for the meal.
- VIII. **“Parent”** means a student's parent, legal guardian, or person acting as the parent for school purposes.
- IX. **“Paid Meal”** means a meal served to a student whose parents have not qualified for reduced-price or free meals. This meal receives the lowest amount of federal reimbursement. The parent must pay the lunch price established by the Entheos Academy board.
- X. **“Point of Service”** means the place at the end of the line where meal payments and counting of reimbursable meals ~~occur~~ ~~occurs~~.

- XI. **“Reduced-Price Meal”** means a meal served to a student whose parents qualify for reduced-price meals. ~~The federal rate of reimbursement for a reduced-price meal is less than for a free meal, but more than for a paid meal.~~

~~*(Note to the LEA: Schools may charge less than these amounts but may not charge more and only the set amount is reimbursable to the LEA/school.)*~~

- XII. **“Reimbursable Meal”** means a meal that meets the USDA requirements and may be claimed for payment from USDA.

## Policy

- I. Before school begins, parents shall receive information from Entheos Academy:
- A. about school meals;
  - B. stating the prices for the meals;
  - C. informing parents how they may provide payment for meals;
  - D. informing parents how their students qualify for reduced-price or free meals;
  - E. informing parents what students will receive if their meal accounts are delinquent;
  - F. informing parents of the policy for delinquent accounts; ~~and~~
  - ~~G. training parents on the functions of the Automated Payment system (COMPASS).~~
- ~~II. Entheos Academy will send reminders of the policy throughout the school year. Entheos Academy may send letters home, send school newsletter reminders, make announcements, make phone calls, send emails or use other reasonable and effective means of communication to contact parents.~~
- III. Entheos Academy will provide applications for free/reduced-price meals to parents at ~~r~~Registration. The school shall also provide the school’s designated meal prices. Accompanying the information about the prices of school meals, parents will receive an application for free and reduced-price meals.
- IV. **If the student’s family receives benefits from the programs listed below, the household will qualify for meals at no charge upon receipt of proper notification. Schools will send the household an email/letter informing parents of a student’s eligibility for free meals. If a parent or family qualifies under one of these programs and has not received such a letter before school starts, the parent should contact the school food service.**
- a. **Special Nutrition Assistance Program (SNAP)**
  - b. **Family Employment Program (FEP)**
  - c. **Food Distribution Program on Indian Reservations (FDPIR)**

## Payments and School Verification

- I. Entheos Academy must verify, at some point during each student's meal service, whether ~~at some point in each student's meal service, that~~ the meal is reimbursable or non-reimbursable.
- II. Entheos Academy provides meal services in accordance with the National School Lunch Programs and State guidelines. Entheos Academy highly encourages all families to prepay for all school meals and will have a secure box available for cash and check payments. ~~A credit card payment method is available through the school website.~~
- III. ~~All lunch accounts are "family" accounts; this enables parents to add payments and track each child in one location.~~ Students will not be informed of account balances unless they ask. Regardless of inquiry, students will not be told of their free/reduced status.
- IV. Entheos Academy shall credit meal payments to the student's account before the meal period for funds collected the day before. This ensures all funds are accurately applied to meal accounts before students select ~~assures all funds are accurately applied to meal accounts in advance of students selecting~~ school meals. Schools will apply payments to the purchase of the current day's meal first, and the payment of past-due accounts second.
- ~~V. If a student/family qualifies for free meals, no payments are due.~~
- VI. Entheos does not charge for reduced-priced meals.
- ~~VII. Parents may make payments to the school online using the COMPASS Guardian portal, by mail or in person. Payments should clearly indicate the account to which the funds should be credited (student's name and amount, if several students attend the school). Entheos Academy accepts online payments, checks, money orders, and cash.~~

### **Meal Charges**

- ~~I. Meal charges are tracked daily and can be viewed by parents via the Automated Payment System (COMPASS) portal.~~

### **Identification of Delinquent Accounts**

- I. Entheos Academy will identify ~~family of~~ student accounts that do not have adequate balances to pay for ~~student~~ meals. Delinquent accounts will be identified, and ~~daily~~. ~~Account~~ notice emails will be sent ~~daily on a daily basis~~. The school will contact parents via the automated meal payment system, phone, or email to allow them, ~~as parents have directed, on the automated meal payment system (COMPASS), or by phone or email, to allow parents~~ to indicate how they wish to make payments. Entheos Academy may ask students to take notifications addressed to the parent home with them; however, the school may not tell students to "remind" their parents to send money to the school.
- II. Entheos Academy will continue to provide full meals to all students and will notify parents that the school will use collection efforts to cover meal costs ~~notify parents that the school will use collection efforts to pay for meals~~. Entheos Academy shall maintain documentation of parent notice.

- III. Entheos Academy is not required to provide a meal at no cost if a student does not qualify for a free meal. Because federal funds may not be used for the expenses of these meals, ~~the~~ Entheos Academy must use state, local, or other funds to cover the cost of the meals. ~~Entheos Academy will provide notice to parents at designated times during the school year of the school's policy for providing meals to students when accounts are delinquent.~~ Entheos Academy will comply with all applicable state and federal laws in providing meals to students and in notifying parents.

### **Delinquent Balances and School Procedures**

- I. Entheos Academy will follow the Delinquent Lunch Account Process for collecting payment on accounts with a negative balance.
- Step 1:** Daily auto-generated emails will be sent to parents with a negative ~~student meal~~~~family lunch~~ account balance.
- Step 2:** When a ~~student meal~~~~family lunch~~ account exceeds ~~-\$20~~, Entheos Academy will call the parent/guardian.
- Step 3:** If the ~~student meal~~~~family lunch~~ account stays negative for four weeks, Entheos Academy will send a second notice letter by mail.
- Step 4:** If the ~~student meal~~~~family lunch~~ account remains negative for more than 90 days and all collection attempts have been *ignored*, a final notice will be sent by the School Director via priority mail.

## **Student Withdrawal, Refunds, Transfers, and Unclaimed Meal Account Balances**

### **I. Parent/Guardian Request Required**

Refunds or transfers of positive meal account balances are **not automatic**. A parent or legal guardian must submit a written request to the school to initiate a refund, transfer, or donation.

### **II. Timeframe for Requests**

Requests for refunds, transfers, or donations must be submitted within **one (1) year** of the student's withdrawal from Entheos.

### **III. Refunds**

Upon timely request, positive meal account balances may be refunded to the parent or guardian in accordance with school procedures.

#### **IV. Transfers Within a Family**

Upon request, positive balances may be transferred to a sibling's meal account within the same family, provided the sibling is currently enrolled at Entheos.

#### **V. Voluntary Donations**

Parents or guardians may elect to donate remaining positive meal account balances. Donated funds will be used to offset unpaid meal charges for other Entheos students.

#### **VI. Unclaimed Balances**

If no request for a refund, transfer, or donation is received within **one (1) year** of the student's withdrawal from Entheos, any remaining positive meal account balance shall be **donated to the school** and will be used to offset unpaid meal charges for other Entheos students.

### **Additional Information**

The United States Department of Agriculture (USDA) provides funds for meals served in schools, including breakfast, lunch, after-school snacks and special milk. Federally funded programs are subject to the cost principles outlined in Title 2 Code of Federal Regulations (CFR) 225, Appendix B (formerly known as Office of Management and Budget Circular A-87), which states "bad debts, including losses arising from uncollectible accounts and other claims, related collection costs and related legal costs are unallowable." When parents fail to pay for school meals, the school can be hurt financially.

Overt identification: no discrimination against any student is allowed because of their eligibility for free or reduced-price meals (7 CFR 210.9 (b) (12)).

This institution is an equal opportunity provider

## **4201 STAFF DRESS CODE POLICY**

### **Purpose**

The staff at Entheos, as role models ~~for our students, will maintain professional standards of~~ ~~our students, will maintain standards of professionalism in~~ dress while working. Staff are expected to dress at a standard that is equal to or exceeds the student dress code. Extreme departures from what is considered conventional dress or personal grooming are not permitted.

## Policy

General guidelines are as follows:

1. Employees are expected to dress in a manner ordinarily acceptable in professional business establishments. For example, the wearing of jeans, leggings as pants, jeggings, t-shirts, hoodies, and similar items of casual attire is not permitted.
2. Professional shoes that can be used for everyday use. Staff may not wear slippers or flip flops.
3. Hair should be clean, combed, and neatly trimmed. Unnatural colors are not acceptable.
4. Sideburns, mustaches, and beards should be neatly trimmed. Eccentric styles of facial hair are not permitted.
5. Jewelry, piercings, and tattoos shall not be excessive or extreme in nature. A reasonable effort should be made to keep tattoos covered while working. Visible tattoos shall be non-distracting in nature; and may not contain any controversial or offensive images or words.
6. Clothing must cover the shoulders, cleavage, stomach, back, underarm, and undergarments.
7. Skirts and dresses must be knee-length. This includes skirts and dresses worn over leggings.

If an employee reports for work improperly dressed or groomed, they may be asked to return home to change, at the director's discretion.

Items not specifically covered but considered inappropriate or contrary to the purpose of the Staff Dress Code Policy are subject to review and interpretation by the Board or the Administrators in charge of executing the Policy. Dress code compliance is mandatory with no opt-out policy other than stated below, and consequences for violation will be enforced.

Dress Code Policy exemption may be granted by the Board of Directors or the Executive Director based on:

1. Religious beliefs
2. Special circumstances.

## 5400 STUDENT DRESS CODE POLICY

A key element of our dress code is for students to take pride in their appearance. In support of this concept, necessary emphasis will be placed on students' grooming, hygiene, and attire. The dress code is in place to encourage our students to respect themselves and their peers; while working in a professional learning environment.

The purpose of the Dress Code policy at Entheos is to improve the learning environment by:

- Ensuring clothing is modest and non-offensive.

- Reducing peer pressure and emphasis on ~~brand-name~~~~brand-name~~ clothing.
- Minimizing health and safety concerns.
- Helping to teach children respect in the way they dress, which influences the way they act.

## TOPS:

### Shirts

- ~~Polo-style~~~~Polo-style~~ shirt, ~~button-down~~~~button-down~~, or ~~full-folding~~~~full-folding~~ turtleneck.
- Shirts must be long enough to be tucked in, and sleeves must cover the shoulders and under the arm.
- Solid Maroon, Navy, or White in color.
- No printing or graphics, and logos must be smaller than a quarter.
- Clean and in good condition (not torn, cut, holey, or purposely frayed).
- Cannot be sheer or otherwise revealing.
- Any undershirts may be worn under ~~a~~~~the~~ collared shirt as long as they are consistent with the solid dress code colors and have no visible patterns or printing.

### Additional Layers

- **Non-hooded**, solid maroon, ~~tan~~, navy, or white layers may be worn over collared shirts in class, including:
  - Sweaters
  - Sweatshirts without pockets
  - Vests
  - Jackets
- No printing or graphics, and logos must be smaller than a quarter unless it is an item purchased or provided through the school with an Entheos logo or graphic.
- Clean and in good condition (not torn, cut, holey, or purposely frayed).

## BOTTOMS:

Students may wear any solid tan, ~~or~~ navy, or maroon ~~pants~~~~pant~~, Capri, ~~shorts~~~~short~~, or skirt that:

1. Is made of chino, twill, corduroy, dress pant quality material (not denim, nylon, sweatshirt, leather, knit, velour, or vinyl material).
2. Reach the middle of the knee or longer.
3. Clean and in good condition (not torn, cut, holey, or purposely frayed).
4. Not revealing. Pants must be worn around the hips or above with no underclothing visible.

## DRESSES:

Girls may wear any solid maroon, navy, tan, or white dress that:

1. Has a collar.

2. Goes to the middle of the knee or longer.
3. Has sleeves that cover the shoulders and under the arm.
4. Is not denim, nylon, sweatshirt, leather, or vinyl material.
5. Is not sheer or otherwise revealing.
6. Clean and in good condition (not torn, cut, holey, or purposely frayed).

## SHOES:

Students must wear shoes suitable that can be used for everyday use.

- All shoes must have a strap or some kind of back on the shoe so that it doesn't slip off the feet. Students may not wear:
  - shoes with wheels
  - slippers
  - flip-flops
  - Shoes that distract from learning.

Students will need a pair of sturdy hiking or walking shoes for outside excursions. It is possible that a specific type of shoe will be needed for a specific activity (i.e. horse riding, rock climbing, backpacking, water activities, etc.). If so, notification will be given in advance.

## HAIR:

Hair colors will be in the natural hair color range.

## ACCESSORIES:

- Body piercing will be limited to ear piercings that are not excessive and are conservative in nature. ~~one pair of conservative earrings.~~
- No chains may be worn other than around the neck or wrist and must be unobtrusive.
- One conservative bracelet per arm.
- One conservative necklace.
- Other jewelry may not be excessive or distract from the learning environment.
- Tattoos must be covered and unseen at all times.
- Tights must be solid white or blue.
- Long stockings and socks must be a solid, non-distracting color.
- Belts must be conservative and of one solid color.
- Backpacks, purses, and bags should be conservative and non-distracting.
- No gloves, full or fingerless.
- Students may not wear costume accessories or novelty items that create distraction or disrupt the learning environment. This includes, but is not limited to, animal ears, tails, or other costume-style headwear or attachments.

Dress Code items not specifically covered but considered inappropriate or contrary to the purpose of the Dress Code Policy are subject to review and interpretation by the Board or the Administrators in charge of executing the Dress Code Policy. Compliance is mandatory with no opt-out policy other than stated below, and consequences for violation will be enforced.

Dress Code Exemptions may be granted by the Executive Director or Board of Directors based on:

1. Religious beliefs
2. Special circumstances.

The school will help with the acquisition of the required dress code items by:

1. Facilitating the gathering and distribution of used items.
2. Helping with the funding of dress code items for economically disadvantaged students through scholarship or work programs.
3. Other programs to make dress code items available.

#### **CONSEQUENCES FOR VIOLATION OF THE DRESS CODE POLICY:**

If a teacher or administrator determines that a student has come to school inappropriately attired in accordance with the Dress Code Policy, the student will be sent to the administrator responsible for enforcing the Dress Code Policy to determine whether ~~identifies that a student has come to school inappropriately attired according to the Dress Code Policy, the student will be sent to the administrator in charge of executing the Dress Code Policy to make the determination if~~ the student is in violation. If the administrator determines that the student has violated the Dress Code Policy, then:

1. Parents will be called to bring proper clothing, and the student will remain in the office until clothing arrives.
2. Perpetual violation of the Dress Code Policy will be handled on an individual basis according to the nature of the violation and may result in expulsion from Entheos.
3. The student/parent may appeal decisions to the Executive Director.
4. The student or parent of the student may appeal decisions made to the Board of Trustees for final decision.

## **5501 REPORTING OF STUDENT PROHIBITED ACTS**

### **Definitions**

“Prohibited Act” means

- A. Use of foul, abusive, or profane language while engaged in school-related activities
- B. Illicit use, possession, or distribution of controlled substances or drug

paraphernalia, and/or use, possession, or distribution of tobacco, electronic cigarettes, or alcoholic beverages contrary to law; or

- C. Hazing, demeaning, or engaging in physical assault, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act ~~that~~~~which~~ would constitute a crime against a person or public order under Utah law

“School district location” means

- A. in any school building or on any school premises;
- B. on any school-owned vehicle or in any other school-approved vehicles used to transport students to and from school or school activities;
- C. off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district;
- D. or during any period of time such an employee is supervising students on behalf of the school district or otherwise engaged in school district business.

## Policy

School employees shall immediately report to the school director or District Executive Director any reasonable belief that a violation of a “Prohibited Act” has occurred, wherein any student participating in student government and/or extracurricular activities; if occurring while the student is in the classroom, on school property, or during school-sponsored activities, regardless of location or circumstances. ∴

Directors who receive a report of a violation of a “Prohibited Act” shall submit a report of the alleged incident; and actions taken in response, to the district director or the director’s designee within ten working days after receipt of the report.

Failure of a person holding a professional certificate to report these prohibited acts as required under this policy constitutes an unprofessional practice.

### I. Duty to Report Student Use or Possession of Illegal Drugs or Alcohol

A school employee with reasonable cause to believe that a student has used or possessed alcohol or illegal drugs, counterfeit substances, or any associated paraphernalia at a school District location shall immediately report that fact to the school’s designated Administrator.

### II. Notice to Parent or Legal Guardian

Upon receiving a report from a school employee of student use or possession of illegal drugs or alcohol, counterfeit substances, or any associated paraphernalia at a school District location, the designated Administrator shall immediately report the information to the student’s parent or legal guardian; and may report the information to law

enforcement agencies or officials. The identity of the school Administrator who reported the prohibited act shall not be disclosed to the student, ~~or~~ the parent, or legal guardian.

### III. Immunity for Good Faith Reporting

A school employee who, in good faith, reports student use or possession of illegal drugs or alcohol, counterfeit substances, or any associated paraphernalia at a school District location in accordance with these provisions is immune from any civil or criminal liability resulting from that action.

## 5200 ATTENDANCE AND TARDY POLICY

### Purpose

We believe that strong partnerships between families and schools are essential to student success. Utah law requires certain attendance standards, and this policy provides clear expectations and support, working with families to address absences, ensure student learning continues, and navigate legal requirements together.

This policy establishes:

1. Attendance expectations
2. Definitions of excused and unexcused absences
3. Procedure for interventions, legal notices, and membership withdrawal

### Attendance Expectations

I. Students are expected to attend all scheduled school days unless absent for a valid, excused reason.

II. Families should plan vacations around the school calendar and notify the school promptly of unavoidable absences.

III. Students and parents are responsible for completing missed assignments.

### Definitions

**Absence:** Failure to attend any portion of the school day.

**Excused Absence:** Absences approved under this policy and Utah law.

**Unexcused Absence:** Absences that do not meet excused criteria or lack required documentation.

**Truancy:** An unexcused absence of half a school day or more.

## Policy

### Excused Absences

- I. The following absences are considered excused when reported by a parent or guardian. Advance notice is encouraged when possible, and documentation may be requested **for administrative purposes only**:
  - A. Illness
  - B. Medical, dental, therapy, or counseling appointments
  - C. Family death
  - D. IEP/504 accommodations
- II. OTHER
  - A. Family emergencies may be approved as excused absences by the School Director at their discretion. Supporting documentation may be required for administrative purposes.
  - B. Extended absences for educational experiences are excused only when approved in advance by the School Director.
- III. Reporting Timeline for Excused Absences
  - A. Absences must be excused by the parent/guardian within 10 school days from the date the absence occurred. Absences not excused within this timeframe will be recorded as unexcused. The school may allow exceptions in cases of serious extenuating circumstances at administrative discretion.

### Unexcused Absences

- I. An absence is unexcused if:
  - A. The school is not notified of the reason
  - B. The reason does not meet the excused criteria
  - C. The absence is due to an unapproved vacation/travel
  - D. The student refuses to attend school
- II. Unexcused absences may trigger truancy notices under Utah law.

### Attendance Intervention and Legal Notices

- I. Attendance Intervention and Legal Notices
  - A. After multiple unexcused absences, the school contacts parents to:
    1. Review attendance
    2. Offer supports and interventions
    3. Encourage corrective action
- II. Five (5) Unexcused Absences
  - A. Grades K–6: Notice of Compulsory Education Violation
    1. A notice is issued to the **parent/guardian** after 5 unexcused absences, regardless of whether the absences are non-consecutive or consecutive.

2. Notice includes legal required messaging: Utah law (Utah Code §53G-6-202(c)), it is a **Class B misdemeanor** for a parent to intentionally or without good cause:
    - a) Fail to meet with designated school authorities to discuss the child's attendance problems; or
    - b) Fail to prevent the child from being truant five or more times during the remainder of the school year.
  3. Notice Delivery: Must be served by personal service or certified mail to meet statutory requirements.
- B. Grades 7–8 (age 12+): Notice of Truancy
1. A notice is issued to the **student and parent/guardian** after 5 unexcused absences, regardless of whether the absences are non-consecutive or consecutive.
  2. Includes the **right to contest** if absences were excused or there are mitigating circumstances.
  3. **Delivery**: Mailed or personally served; **certified mail is recommended** for documentation (Utah Code §53G-6-203).
- C. Continued Absences
1. Mandatory conferences, attendance improvement plans, or referrals to supports may be required.

## Appeals

- I. Parents and students may appeal attendance determinations or statutory notices in accordance with school procedures and Utah law. The contest process must be communicated to students and parents for grades 7–8 notices.

## Communication

- I. This policy is
  - A. Published in student/family handbooks
  - B. Available on the school website
  - C. Referenced in attendance communications with families

## Withdrawal Due to Consecutive Absences

- I. Purpose: Withdrawal is an administrative action for state enrollment reporting (Policy 5103), not disciplinary.
- II. 10-Day Rule:
  - A. Students absent 10 consecutive school days without meeting exceptions will be withdrawn.
  - B. Withdrawal date must be within 10 days of the last day of attendance.
- III. Exceptions: Students are not withdrawn if absent due to:

- A. Illness or hospitalization
  - B. Home/hospital services ( $\geq 2$  hrs/week, weekly contact documented)
  - C. Pending court investigation/action
  - D. Prior-approved trip/absence
- IV. Parent Notification: Written notice includes:
- A. Withdrawal date
  - B. Confirmation of 10-day absence
  - C. Re-enrollment instructions
- V. Re-Enrollment:
- A. Withdrawn students must reapply through the school enrollment process
  - B. Students are placed at the end of the current waitlist; space availability determines enrollment
  - C. Re-enrollment is not guaranteed
- VI. Relationship to Truancy:
- A. Withdrawal does not stop truancy proceedings
  - B. Court-ordered students remain enrolled while proceedings are ongoing

## Tardies

- I. Entheos Academy is committed to providing a positive, focused learning environment. Students learn best when they arrive on time and prepared for the school day. Tardiness disrupts instruction and negatively impacts student learning.
- II. A student is considered tardy when they arrive late to school or class after the scheduled start time.
- III. Excused Tardies
  - A. Tardies may be excused for reasons such as medical appointments, family emergencies, or other extenuating circumstances as reported by a parent or guardian.
- IV. Addressing Excessive Tardies:
  - A. Tardies without a valid excuse are considered behavior infractions. While initially addressed by the classroom teacher, if tardiness becomes frequent or excessive, school administration will work with the student and family to identify causes and provide support, and determine consequences. Administrative responses may include parent conferences, loss of school privileges or activities, or other school-based interventions.
  - B. Students are responsible for contacting their teachers and completing any work missed due to a tardy

REF: Utah Code §53G-6-201 through §53G-6-203 and Utah Administrative Rule R277-607

## **Attendance**

Please plan your vacation schedule to coincide with the existing school calendar. When possible, please notify the school in advance of any absence. Students and Parents are responsible for obtaining homework or project assignments for the time period during which the student will be absent. Excused absences are defined by the State of Utah as: illness (Doctor's note will need to be provided, for absences beyond five (5) consecutive school days), medical appointment (notice must be given to the office before the appointment), family death, IEP or 504 accommodating educational reasons, or pre-approved extended absence for an educational experience. Approval must be given by the Entheos school director.

## **Entheos Attendance Policy**

1. The attendance education policy is made available to parents through the student handbook and on the website.
2. After five (5) unexcused absences, the director sends an attendance email to parents.
2. After seven (7) unexcused absences, attendance letter #1 is sent by certified mail, and a mandatory attendance meeting is scheduled with the director, teacher, parent/guardian, and student.
3. After ten (10) unexcused absences, attendance letter #2 is sent by certified mail requesting attendance mediation, a referral to the Division of Child and Family Services for Educational Neglect (for students under 14 years old), or a referral to truancy court (for students 14 and older).

## **Tardies**

Entheos Academy strives to create a positive learning environment, free from distractions, where all students can learn and succeed. Learning is best facilitated when students are in class and prepared. Chronic lateness disrupts the learning environment and inhibits students from reaching their full potential. Students are considered tardy when they arrive at school or class after the scheduled start time. Tardies will be excused if they are due to medical, bereavement, or other extenuating circumstances approved by the school administration.

Tardies will be dealt with on an individual basis with the teacher. If a student's tardiness becomes excessive, as determined by the school administrator, the administration of Entheos will become involved. The administrator may take away reward trips, prohibit participation in school activities, and/or assign the student to an after-school program. It is the student's responsibility to reach out to the teachers to obtain and make up all work missed due to tardiness.

# ENTHEOS ACADEMY BOARD MEETING MINUTES

February 26, 2026 6:00pm

Held at Entheos Academy Kearns Campus  
4710 West 6200 South Kearns, UT 84118

## OPENING

- I. Roll Call
  - a. Board Members Present: Xazmin Prows, Deb Ivie, Karen Bogenschutz, Rod Eichelberger, Jaren Gibson
  - b. Board Members Excused:
  - c. Administrators and Staff also present: Esther Blackwell, Jason Bennion, Denise Mathews, Sue Talmadge, Brian Cates of Red Apple, Alisha Cartier
  - d. Administrators Excused:
  - e. Others in attendance: Mat Edvik, Ellie Edvick, Evette Mendisabal, Luseane Tafisi, Dalton Horscroft, Tara Horscroft
  - f. Time: (6:05 pm)
- II. Meeting Opened by Rod Eichelberger (6:05 pm)
- III. Pledge of Allegiance led by Xazmin Prows (6:06 pm)
- IV. Mission Statement by Rod Eichelberger (6:07 pm)
- V. Approve minutes from January 26, 2026 (6:09)
  - a. **Rod Eichelberger motions to approve the January 26, 2026 board meeting minutes. Second by Deb Ivie.**
  - b. Vote: Xazmin Prows, Karen Bogenschutz, Deb Ivie, Jaren Gibson
- VI. Approve February 26, 2026 Consent Agenda (6:10 pm)
  - a. **Rod Eichelberger motions to approve the Consent Agenda as put forth. Second by Jaren.**
  - b. Vote: Karen Bogenschutz, Deb Ivie, Jaren Gibson, Xazmin Prows
- VII. Entheos Value Presentation by Jaren Gibson (6:10 pm)
  - a. Value: Leadership

## PUBLIC COMMENT

- I. Public Comment: (6:20 pm)
  - a. Mat Edvik
    - i. Ellie and Mat Edvik want to represent family to share congratulations and gratitude for all of the work that Dalton Horscroft put into the science fair. Touched all four kids' lives. Touched Michelle and Mat Edvik as parents. Thank you!

## INFORMATIONAL ITEMS

- I. Q&A on Director Reports (6:22 pm)

- a. District: Esther Blackwell - calendar, return of Bryan Crown as PE/Adventure teacher, hiring is going well. Only have one open spot, middle school math, report cards, growth of lowest 25%, attendance
  - b. Kearns: Denise Mathews - growth scores, science fair participation (86% participation), Wigs for Kids, Spirit Week
  - c. Magna: Jason Bennion - MOY data, growth, growth celebration, science fair successful for first year, help from Dalton Horscroft, kids going to state. Xazmin Prows so glad Magna is doing science fair now. Enthusiasm and success.
- II. Staff Recognitions (6:32 pm)
- a. District: Raegan Neilsen
  - b. Kearns: Kay Welke, Laura Butterworth, Dalton Horscroft
  - c. Magna: Anita Holfeltz, Grace Martinez, Nicole Crowley, Erica Dawson-Hafen
- III. School Presentation by Dalton Horscroft (6:43 pm)
- a. How phenomenal it was Dr Atoosa Samani at Magna. Five regions - SL county, Park City, Tooele is one. Only 5 charter schools - form their own district. Now 19 schools feed into it. Only two left from the original 5. Given a certain number of slots. Each school guaranteed 5 spots. Magna was given 6 spots. Out of those spots, 2 at elementary, 3 in junior division. Amazing! Every year, depending on how they do at district, bump up to more spots. This year had 18 projects at district and 13 advancing to state. 65% advancing to state level. The kids get a chance to do what they can do. They do the work. They are interviewed by the judges. He feels like a cheerleader. More schools could have more success if students were given a chance. Some kids have gone through medical school. Daughter (Tara Horscroft) now judges at district level. Kids are better at presenting, boards look better - present, be confident, HQW, be proud of that. Thankful for being given a shot. He feels like he has won. Proud of military service. Teaching means more to him. Rod Eichelberger shares that Dalton has helped create a culture that makes science cool. Dalton Horscroft was given the opportunity to do crazy things.
- IV. Budget and Finance Report by Deb Ivie (6:50 pm)
- a. 58% through year. Operating Margin - well above target. Debt to service ratio, PTIF balance. Moved another chunk of money to PTIF. Enrollment looks good. Job as treasurer is easy because we have admin and financial staff that keep on top of everything. We follow best practices. Brian Cates shares about legislative session - anticipating to include a little over 4% increase to WPU. Start to work on in April once have estimates. Being strong this year and last year. Strong admin and staff at faculty, strong board. Brian Cates' pleasure to support to deliver mission of school to students. Here to support.
- V. Safety Committee Report by Karen Bogenschutz (6:54 pm)
- a. Armed guardians have completed required state training - range training with Granite District with help of law enforcement. Will continue every 6 months. Mental health assessments. Cannot reveal identities for security reasons. Bleed kits purchased for all schools in state. Visit from Sargent Jared Cornia. Went through steps taken. Things to work on. Ahead of most schools. Emergency response week - have it work with 4H safety fair. Be positive experience rather than anxious experience. Be aware but not overly concerned about what is going on.
- VI. Anniversary Committee Report by Jaren Gibson (6:57 pm)
- a. Very fun time with committee. Four current or former board members, two past students. Brainstorming, diving in for fitting experience for past 20 years. Considered

multiple locations. Electric Park - part of Thanksgiving Point. Xazmin Prows shares while talking about at retreat, shared with Jaren Gibson because he wasn't there. Do something adventurous. Space at Thanksgiving Point will accommodate. VIP reception and dinner with everyone who was instrumental in founding both campuses and building up over beginning years. Tough again with adding new campus. Large public event in big park. Only our guests. VIP reception and dinner - storytelling, sharing of how everything came about. Looking at different vendors. Would love to get feedback and ideas. Think of people to make sure they are invited. Jaren Gibson shares he will follow up and will send email with picture of space and details of other room. 20 years is a lot of time and includes a lot of people. Large pavilion. Date is August 6th. Beginning at 5pm (soft open), officially starts at 6pm and have space until 10 pm. End around 9pm. Has been good to have younger generation to help with ideas.

VII. Adventure Playgrounds by Esther Blackwell (7:05 pm)

- a. Concept of maintaining joy in education experience. Stress, pressure put on children - screen time. Strong financial position. Be very wonderful thing to invest money in building an outdoor space that would benefit into the future. Support mental health, healthy risk taking, self directed play, reconnect to natural world, shared spaces for joy and connection. Play zone concepts. Boulder and wood exploration, outdoor musical instrument area, scents. Very beginning stages. Want to make board aware. Don't want to go down path without board aware. Deb Ivie shares she came straight here from another meeting - putting in infrastructure of large natural resources classroom (big park). Learning and relaxing put together. Youth giving input to what should go into it. Worth a great deal. Can't give them more recess but give them a great place for what recess looks like. More natural the better. Rod Eichelberger shares that he sent a bunch of texts to Esther Blackwell. Deb Ivie suggests an Outdoor classroom grant - not a hard grant to get. Utah Specialty Crop Grant - planting any natural area. Esther Blackwell has a list of grants to work on. Large impact - outdoor space. Can improve the quality of recess. Rod Eichelberger shares after reviewing the budget report that he wants Esther Blackwell to spend more money. Esther Blackwell agrees on educators and outdoor space.

## DISCUSSION ITEMS

I. Board Development (7:14 pm)

- a. The Anxious Generation Chapter 6
  - i. Rod Eichelberger - Why does social media harm girls more than boys?
  - ii. Discussion around how social media affects girls and how it does also affect boys and the difference with that.
  - iii. Crew can help students to have real relationships, opportunities to make connections. Built in social structure.
  - iv. Discussion around pressure to get phones more around the 2010's for children. Did not fully understand effects on children. Parents are starting to create more boundaries now.
  - v. Need to reiterate with parents that children do not need a phone at school. And that children should be encouraged to hang out with friends in person.
  - vi. Next meeting chapter 7 - What is happening to boys?

- II. Board Training (7:29 pm)
  - a. Rod will do next month
- III. Policies for discussion by Xazmin Prows (7:29 pm)
  - a. 3301 Nutrition Collection Policy - no comments or changes
  - b. 4201 Staff Dress Code Policy - no comments or changes
  - c. 5400 Student Dress Code Policy - ok with color changes, correction to section about animals ears and tails:
    - i. Students may not wear costume accessories or novelty items that create distraction or disrupt the learning environment. This includes, but is not limited to, animal ears, tails, or other costume-style headwear or attachments.
  - d. 5501 Reporting of Prohibited Acts - no comments or changes
  - e. 5200 Attendance and Tardy Policy - based on everything that is in code. Current policy missing critical requirements. Covers everything. Need to be legally compliant.
- IV. Charter LAND Trust Plan for 2026-2027 by Denise Mathews and Jason Bennion (7:47 pm)
  - a. Kearns plan approved by Charter LAND Trust council. Goal continues to be 65% growth ELA state assessments. Procure ELA curriculum materials, teacher conferences, technology is up to date. Total is \$120,892.41 with distribution being \$32,000 for ELA curriculum, \$60,000 for professional development, and remaining \$28, 892.41 for technology.
  - b. Magna plan approved by their council last night. Plan is the same at Kearns except for amounts. Increase for next year. Total is \$100,405.61 with distribution being \$28,000 for ELA curriculum, \$50,000 professional development, and \$22.405.61 for technology.

#### ACTION ITEMS

- I. **MOTION** (7:51 pm)
  - a. **Rod Eichelberger motions to approve Kearns 2026-2027 Charter LAND Trust Plan. Second by Xazmin Prows**
  - b. Vote: Jaren Gibson, Xazmin Prows, Deb Ivie, Karen Bogenschutz
- II. **MOTION** (7:52 pm)
  - a. **Rod Eichelberger motions to approve the Magna 2026-2027 Charter LAND Trust Plan. Second by Xazmin Prows.**
  - b. Vote: Karen Bogenschutz, Deb Ivie, Xazmin Prows, Jaren Gibson
- III. **MOTION** (7:52 pm)
  - a. **Rod Eichelberger motions to approve the renewal of Deb Ivie as a school board member for an additional three year term. Second by Karen Bogenschutz**
  - b. Vote: Rod Eichelberger, Jaren Gibson, Xazmin Prows, Karen Bogenschutz
- IV. **MOTION** (7:53 pm)
  - a. **Xazmin Prows motions that we approve the renewal of Rod Eichelberger as a school board member. Second by Deb Ivie**
  - b. Vote: Karen Bogenschutz, Jaren Gibson, Deb Ivie, Xazmin Prows

#### ADJOURN

- I. Time 7:54 pm
- II. **Deb Ivie motions we adjourn, Rod Eichelberger seconds**
- III. Vote: Xazmin Prows, Karen Bogenschutz, Jaren Gibson, Deb Ivie