Guadalupe School

Policy and Procedure Manual

Approved October 2025

TABLE OF CONTENTS

1000 Internal Operations

1100 Administration

1101 Administrative Rules

1101.2 Utah Educator Professional Standards

1102 Background Check

1103 Calendar

1104 Class Size Expansion

1105 Closure and Delay

1106 Communications

1107 Eagle Scout Projects

1108 Gold Medal School

1109 Holidays

1110 School Hours

1111 Volunteer Service

1200 Facilities

1201 Building Official

1202 Building Security

1203 Facilities Usage

1204 Keys

1205 Set up and Tear Down of Activity Room

1206 Storage and Housekeeping

1207 Security Cameras

1208 Library Media Storage Room

1209 Use of Building for Civic Activities

1300 Finance

1301 Fees

1302 Fundraising

1303 Gift of $100 to High School Graduates

1400 Operations

1401 Child Abuse – Neglect Reporting

1402 Copyright Law

1403 Disability

1404 Dual Enrollment

1405 Internet Safety

1406 Enrollment

1407 Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA)

1408 Lost and Found

1409 Outdoor Activity Restrictions

1410 Policy Development

1411 Prayer in School/Religious Observance and Education

1412 Records Management

1413 Safe Routes

1414 Search of Person or Property

1415 Severe Weather

1416 Student Supervision

1417 Transportation

1418 Use of Physical Restraint

1419 Wellness, P.E. & Tobacco

1420 Withdrawal

1421 Uniform Policy

1500 Auxiliary Organizations

1501 Administrative Committee

1502 Professional Development Plan

1503 Reading Achievement Plan

1504 School Improvement Plans

1505 School Land Refunds

2000 Instruction

2001 Academic

2002 Assemblies and Special Programs

2003 Special Education Students

2004 Use of Media and Entertainment

3000 Students and Parents

3100 Activities

3101 Class Parties

3102 Daily School Operation

3103 Field Trips and Educational Enhancement Opportunities

3104 Food

3105 Library Policy

3106 Playground

3107 Recess

3200 Conduct

3201 Attendance and Absence – Child Programs

3202 Bullying, Cyber Bullying, Harassment, Hazing and Retaliation

3203 Bus Transportation

3204 Discipline Code

3205 Electronic Devices

3206 Harassment

3207 Safe school

3208 School-wide Discipline

3209 Student Rights and Responsibilities

3210 Tardy Policy

3211 Juvenile Offenders

3212 Underage Drinking and Substance Abuse Prevention Program

3213 Individualized Education Program

3214 Confidentiality

3215 Transition from Early Intervention

3216 Children with Disabilities in Private Schools=

3217 Assessment

3218 Certification Regarding Lobbying

3219 Disproportionate Representation

3220 Prescription

3221 Guadalupe Agency Data Governance Plan

3222 Guadalupe Technology Security Policy

3300 Welfare

3301 Bathroom Accidents

3302 Disinfecting

3303 Emergency Plan

3304 Emergency Preparedness

3305 Injuries on the Playground

3306 Leave School Grounds

3307 Medical Needs

3308 Medications

3309 Seat Belts

3310 Pets

3311 Transferring Students

3312 Disposal of Textbooks

3313 Testing Procedures

3314 Student Supervision

3315 Procedural Safeguards

3316 Evaluation

3400 Parents

3401 Parent Compact

3402 Parent Concerns

3403 Parent Grievance Guidelines

3404 Parent Responsibilities

3405 Parent Rights

3406 Parent Involvement

3407 Title I – Parent Engagement

3500 Student Information

3501 Student membership

3502 Child Find

4000 Personnel

4100 Activities

4101 Alcohol, Drug and Tobacco-free Workplace Policy

4102 Employee Cell Phone Policy

4103 Classroom Conduct

4104 Code of Ethics

4105 Confidential Information

4106 Dating Between Employees

4107 Disciplinary Action

4108 Electronic and Telephone Communications

4109 Employee Dress Code

4110 Employee Progressive Discipline Policy

4111 Equal Opportunity, Anti-Harassment, and Discrimination Policy

4114 Student Supervision

4115 Substitute Employee

4116 Visitors

4117 Workplace Searches

4118 Social Media Policy

4119 Conflict of Interest

4120 Employee Attendance Policy

4200 Compensation and Related Benefits

4201 Conference and Training

4202 Direct Deposit

4203 FLSA Eligibility Requirements

4204 Jury and Witness Duty Leave

4205 Military Leave of Absence

4206 Paid Time Off (PTO)

4207 Paid vs. Unpaid Leave

4208 Bereavement Leave

4209 Reimbursement

4210 Paid Holidays

4211 Parental Leave

4212 Employee Insurance coverage against legal liability

4213 Paid Personal Days

4300 Requirements

4301 Classifications of Employment

4302 Employment of Relatives

5000 Financial Management

5001 Federal awards compliance

5001.2 IDEA Compliance

5001.3 Fiscal Controls

5001.4 Non-Construction Programs

5002 Cost Sharing, Matching, Maintenance of Effort

5003 Period of Performance

5004 Remedies for Non-Compliance

5005 Mandatory Disclosures

5006 Equipment

5007 Suspension or Debarment

5008 Sub Recipient and contractor Determinations

1000 INTERNAL OPERATIONS

1100 ADMINISTRATION

1101 Administrative Rules

Policies and procedures will be implemented and enforced within the school to provide a safe and effective learning environment for students.

An administrative rule is the school's written rule, standard, statement, procedure, guideline, or instruction as to how approved policy shall be implemented and carried out for the benefit of students and parents and the operation of the school.

The Guadalupe Executive Director shall establish and enforce administrative rules that contribute toward the effective operation and management of the school. Administrative rules shall reflect the mission, vision, and goals of the school's charter. Administrative rules shall also reflect the intent of broad board policy and shall not be in conflict with any delineated guidelines or procedures contained within school policy. Furthermore, these rules shall not be inconsistent with the charter, by-laws, or any state or federal laws and regulations. At such time that any rule, or part thereof, becomes in violation or conflict, that part shall become null and void. These rules shall also not be contradictory or in conflict with themselves. Administration will make reasonable efforts to change rules to rectify violations and conflicts in a timely manner. The director shall provide information on changes or additions to administrative rules to the Guadalupe Charter Board of Directors before any official communication to parents or students.

Administrative rules may be written, revised, and added to at the discretion of the Executive Director. New rules, revisions, and additions to rules will be clearly and effectively communicated to the board of directors, teachers, staff, students and parents in a timely manner and be made publicly available. Administrative rules are published in the Guadalupe Policy and Procedure Manual.

1101.2 Utah Educator Professional Standards

Guadalupe complies with rule R277-217, training educators employed by Guadalupe on the Utah Educators Standards described in board rule.

Approved: 09/01/09

1102 Background Check and Fingerprinting

Utah Law 53-10-108 allows qualifying entities to request Utah criminal history information. Public Law 105-251, the Volunteers for Children Act, which amended the National Child Protection Act of 1993, was enacted October 9, 1998 to allow these same qualifying entities the right to request fingerprint-based national criminal history record checks of their volunteers and employees.

Guadalupe School uses the Background Criminal Identification (BCI) NCPA/VAC check, which includes criminal history conviction information from all 50 states. Statewide Warrant and Protective Order, and Federal Want and Warrant files. Turnaround is 5 days.

All Guadalupe staff and volunteers in the children's programs must undergo a Background Criminal Identification (BCI) check. All Guadalupe Charter Board Members are required to undergo a BCI check. Certified teachers must complete their background check through the Utah State Office of Education.

In addition, Guadalupe School's Early Learning Center, Afterschool Program and Summer School program employees and volunteers are required to complete a second background check and fingerprint scan through the Utah Department of Health & Human Services Child Care Licensing.

Procedure

Volunteer or employee rights and responsibilities under the VCA are as follows:

- Provide a complete set of fingerprints.
- Provide certification that you have not been convicted of a crime.
- You are entitled to obtain a copy of any background check report and, if necessary, challenge the accuracy and completeness of any information contained in any report.
- Prior to completion of the background check, Guadalupe may choose to deny you unsupervised access to a student to whom Guadalupe provides education/care.

All Guadalupe volunteers or employees needs to take the following steps for the Utah Bureau of Criminal identification (UBCI):

- Sign a waiver which authorizes the Utah Bureau of Criminal Identification (UBCI) to access and review the volunteer or employee state and federal criminal history records. There is a ~~$37.00~~ fee for this background check as well as the fingerprint scans.
- Provide your name, social security number, date of birth, formerly used last names, and driver's license number.
- Take the billing sheet to the Utah Bureau of Criminal Identification to have fingerprints scanned and background check processed. The Utah BCI is located at:

  3888 West 5400 South

  Taylorsville

  Hours 8:00 a.m. to 5:00 p.m.

  Monday through Friday

  There is also a fee for the scans.

- BCI will process the background check and the results will be reported to Guadalupe School.

Additionally, all Guadalupe volunteers or employees for the Early Learning Center, Afterschool program and Summer School Program will need to complete the following steps for Child Care Licensing:

- Complete a background check from at www.childcarelicensing.utah.gov
- Go to a LIVESCAN location and get fingerprints taken
- Pay any fees
- Log into the Child Care Licensing Portal and create an account
- Download fingerprints

1103 Calendar

Guadalupe School's annual school calendar for childhood programs is closely aligned with the Salt Lake City School District (SLCSD) annual school calendar. This alignment is provided in order to allow families with children in various local schools to have synchronized annual school calendars. If Guadalupe's schedule occasionally deviates from the SLCSD calendar, attendance at Guadalupe is required.

Labor Day

Fall Recess
Thanksgiving Recess
Winter Recess
Martin Luther King Jr.Day
President's Day
Easter Monday
Spring Recess
Memorial Day

1104 Class Size Expansion for Childhood Programs

Guadalupe is committed to keeping class sizes and teacher-student ratios small, and therefore limits class size to 25 students. At the same time, the school recognizes that on occasion there may be extenuating circumstances that justify a class size increase above 25 students. Class size is critical to the success of students, teachers, and the school as a whole; therefore, the option to expand class size above 25 students may be exercised in rare instances and when no other option exists. Depending upon the circumstances at hand, the Principal may decide at her/his discretion whether or not to allow a class size increase, and seek the guidance/decision of the Executive Director.

Approved: 05/05/09

1105 Closure and Delay

Snow Closure/Delayed Start/Early Release/Remote Learning: Guadalupe School will be open on all school days unless circumstances create health or safety issues for students and staff. Severe weather conditions may force school closures, delayed starts, or early release. These circumstances may be combined with remote instruction . The following information details the procedures to be followed:

Announcements: Parents, volunteers and employees should listen to designated media outlets for school closure/ delayed start/early release starting at 6:00 a.m. Childhood programs will follow the lead of the Salt Lake City School District. Information will also be updated on the school's website and shared via electronic messaging. Adult Education follows University of Utah class cancellations. Authorization will come from the Executive Director of Guadalupe or her/his designee. Notifications will also take place via text/email.

Designated media outlets are:

TV Stations	AM Radio Stations
KSL, Channel 5	KSL 1160
KUTV, Channel 2	Metro Networks, 25 Stations
KTVX, Channel 4	
Fox News, Channel 13	

Announced Messages will begin:

- Schools will be closed or the following schools will be closed with the day and date.
- Schools will be delayed for two hours (10:00 a.m.) or the following schools will be delayed for two hours with the day and date.

- Schools will be dismissed early or the following schools will be dismissed early with the time, day and date.
- Schools will dismiss at the regular time of 2:45 p.m. (Monday-Thursday) and 1:30 p.m. (Friday) regardless of a delayed start.
- Remote instruction may be added to any of the forgoing announcements

Length: All school closures/delayed start/early dismissals are for one day only, unless otherwise notified.

Normal Operation: No media announcement means schools are open and regular schedules will be followed.

1106 Communications

The phones located in the front office and in the individual classrooms are for the use of school personnel and official school business only. Except for emergencies, neither teachers nor students are called to the phone during school hours. Guadalupe staff is not responsible for transmitting messages from parent to child or vice-versa. All family communication should be accomplished prior to the start of the school day. Students must obtain permission from an administrator or secretary to use the school phone. Students are not permitted to use cell phones in the school or on the school grounds.

Guadalupe encourages ongoing parental communication with the school. Communication may be accomplished by email, phone, or written notes. Additionally, the students' homework and communication folders provide for comments by both the parents and the teachers. Teachers and administrators are expected to respond to all communication from parents in a timely manner.

Academic communication is a priority at Guadalupe. Teachers will communicate to parents on a regular basis concerning homework, student behavior, lesson plans, and school activities. Progress reports and report cards will be given and discussed during parent-teacher conferences held twice a year.

During the school year teachers will visit individual student homes. Visits will give parents and students the opportunity to meet in an informal setting and to get to know each other on a one-on-one basis. Visits also will help students and parents gain a measure of trust, be better informed and feel more comfortable during the student's educational experience.

During Back to School night, teachers will provide curriculum information taught during the school year. Additionally, the teacher will explain the daily classroom schedule, instructions regarding homework and communication folder, class grading procedures, homework and testing expectations, yearly calendar, and any other information the teacher feels is specific to his/her classroom. The Principal and/or Administrative Director will also address the parents during registration. Parents will be informed of volunteer opportunities and upcoming events.

1107 Eagle Scout Projects

Guadalupe appreciates the willing and dedicated service offered by ~~Boy~~ Scouts who desire to complete their Eagle Scout projects for the benefit of the school. The following guidelines and principles have been established to govern potential Eagle Scout projects which may be approved and completed on behalf of the school:

- If a prospective Eagle Scout would like to do a project for the school, he/she should begin by contacting the Executive Director. During this initial discussion, the ~~Boy~~ Scout should present and discuss his idea to ascertain whether or not the project idea fits within the guidelines established by the school. The ~~Boy~~ Scout may work with the Executive Director to adapt the project as necessary.

- If the prospective Eagle Scout would like to do a project for the school, but is unaware of the needs of the school, the Executive Director may work with the ~~Boy~~ Eagle Scout to identify and design a project to benefit the school which meets the established guidelines. The Executive Director must approve the project, as appropriate, before the project is initiated.

- If a project is proposed that the school does not feel is necessary or beneficial to the school, the project idea may be rejected. All proposed service projects or cleaning projects may be approved at the discretion of the Executive Director. Any proposed project that alters the property, school grounds, or school building in any manner must be approved by the Executive Director. Likewise, any fundraising or advertising which is done by the ~~Boy~~ Scout in the name of the school must be approved by the Executive Director.

- When approving potential Eagle Scout projects, the school will consider the following factors: cost of ongoing maintenance, actual cost of project as compared to value of project, durability, future replacement costs, quality of workmanship to be performed, safety considerations, potential damage which may occur, and various other factors related to both the short-term and long-term impact of the project.

1108 Gold Medal School

Guadalupe is a Gold Medal School. The Gold Medal School program was developed by the Utah Department of Health using the State Office of Education's core curriculum and guidelines of the Centers for Disease Control. Gold Medal Schools is a program designed to improve student academic success through policies and environmental changes that support good nutrition, physical activity, and staying tobacco-free.

1109 Holidays

Holidays are an important and enjoyable aspect of the educational process and our school community. The elementary school's Core Curriculum emphasizes a cross-cultural and diverse education. Thus, Guadalupe will observe and celebrate a variety of religious (R), secular (S), federal (F), and ethnic (E) holidays. Charter School teachers will provide learning standards for these holidays according to their individual schedule and grade level subject matter. The following holidays may be observed, celebrated, and/or recognized by Guadalupe:

September	*Labor Day (F)	Mexican Independence (E)		
October	Ramadan (R)	Rosh Hashanah and Yom Kipper (R)	Halloween (S)	Columbus Day (F)
November	*Thanksgiving(S)	Veteran's Day (F)		
December	*Christmas (R)	Hanukkah (R)	Kwanzaa (E)	
January	Chinese New Year (January or February as applicable) (E)	*Martin Luther King Jr. Day (F)		
February	*Presidents' Day (F)	Valentine's Day (S)		
March	Easter (March or April as applicable) (R)	St. Patrick's Day (S)		
April	Earth Day (S)			
May	Cinco de Mayo (E)	National Teacher's Day (S)	*Memorial Day (F)	
*Holiday observed—no school				

1110 School Hours

Student Hours:
Monday, Tuesday, Thursday, Friday: The school day for kindergarten ~~first~~ through sixth grade is 8:00 a.m. to 2:45 p.m.

Wednesday: Wednesday is a shortened day for all grades, from 8:00~~15~~ a.m. to 1:30 p.m.

Office Hours:
During the days of regular school operation, the office will be open 45 minutes prior to the beginning of school and will close 90 minutes after school is dismissed. The office is closed during holidays. Voice mail is available at all times.

1111 Volunteer Service

A “volunteer" at Guadalupe is any person who donates service to the school without pay or other compensation, except for expenses actually and reasonably incurred as approved by school administration.

Volunteers will perform volunteer services under the supervision or direction of the volunteer coordinator or the Adult Education floor manager. Volunteers are expected to follow the direction of those to whom they have been assigned and to conform to all applicable laws, rules, and policies. Failure to do so may give rise to terminating the volunteer from service.

In the course of volunteering at Guadalupe, volunteers may be asked to deal with confidential information. It is the expectation of the school that volunteers shall keep said information in the strictest confidence. As such, when dealing with sensitive student information, volunteers will be required to sign a Guadalupe Confidentiality Agreement.

In accordance with state law, children must not be left unattended with anyone not having been fingerprinted or without a background check. Therefore, Guadalupe will require all potential volunteers who are given significant unsupervised access to a child in connection with their volunteer assignment to submit to fingerprinting and a criminal background check as a condition of volunteer appointment. The following volunteers will be required to be fingerprinted and have a background check prior to volunteering their service:

- Any volunteer who assumes the responsibility for the supervision of a child or children for any given length of time. More specifically, this is any volunteer who may be the sole supervisor of a child or children at any given time, such as one-on-one reading tutors, or if the teacher were required to leave the classroom for a period of time.
- Any volunteer who accompanies the class on field trips.
- Any volunteer who is involved in after-school programs.
- All board members

At no time shall any volunteer be permitted to be alone in a room with a single child, even those who have been fingerprinted and had a background check.

Any parent who plans to volunteer a significant amount of time at the school is highly encouraged to have the fingerprinting and background check done.

The associated costs are to be paid for by the applicant. Information regarding fingerprinting and background checks is available at the school administration.

Volunteers in the Adult Education program will be required to sign a code of conduct.

In accordance with school and state policy, all volunteers must maintain strict neutrality regarding religion while performing volunteer services for a school. Serving as a volunteer in the educational setting is not an entitlement and schools are not required to utilize volunteer services. The opportunity to volunteer may be denied or terminated by school administration where services are no longer needed or where the presence of the volunteer may be disruptive to the educational environment.

Volunteers performing volunteer services under the general supervision of the volunteer coordinator or the Adult Education floor manager shall be immune from liability with respect to any decisions or actions, other than in connection with the operation of a motor vehicle, taken during the course of those services unless it is established that such decisions or actions were grossly negligent, not made in good faith, or were made maliciously.

(Refer to Attachment 1111 A located at the end of this section.)

1200 FACILITIES

1201 Building Official

In accordance with State Board of Education Administrative Rule R277-471-3(A)(2) (a, b) School District Building Official, and Charter School Responsible Person, the Executive Director of Guadalupe School shall be the charter school building officer. The charter school building officer has direct operational responsibility for permanent or temporary construction, renovation, and inspection of Guadalupe charter school in accordance with the Code* and will report regularly to the Charter School Board and Agency Board.

The Charter School Board shall be accountable to the State Charter School Board and the Utah State Board of Education to ensure that all charter school permanent or temporary construction, renovation, and inspection is conducted in accordance with the Code*.

The name of the charter school building officer shall be provided to the State Superintendent of Public Instruction and shall promptly notify the State Superintendent of Public Instruction of any changes of this individual.

*Code means the state-adopted construction code, including all statutes and administrative rules which control the construction, renovation, and inspection of Utah public school buildings.

1202 Building Security

Guadalupe shall exhibit a safe and secure environment 24 hours a day for all students, staff and visitors, thus:

1. All entrance/exist doors are locked automatically and opened by access card keys.
2. All visitors shall enter the building through the Main Office Security doors.
3. All visitors shall be signed in and exhibit a “visitor” or “volunteer” sticker.
4. All students picked up or dropped off by parent/guardian or designee shall be signed in/signed out and accounted for.
5. All staff members enter the building by using a numbered access card issued to her/him personally. The door is relocked after entrance.
6. Upon exit, all staff members shall follow lock-up procedures when he/she is the last person to leave the building:
   - ~~All windows shall all be closed.~~
   - All lights shall be turned off except the east front entryway and west entrance.
   - Fish tank light turned off.
   - All inner doors are closed.

- All outside doors checked to make sure they are closed and locked.
- First person in the building each morning shall turn off security system with personal alarm code.
- Janitorial staff will arm security system at end of cleaning at night.
- Anyone entering building after hours will follow alarm system policy (See 1202b).

1202b Alarm System Policy

OPENING THE BUILDING

- For safety and economic reasons, no one is allowed in the building prior to 6:00 a.m. without prior approval by the ~~Executive Director~~
- Anyone who opens the building MUST be trained on how to disarm the alarm system

CLOSING THE BUILDING – Monday Through Friday

- Effective immediately, the building will be armed at the end of the day by the janitorial company
- Please be certain that all exterior doors are securely closed.

BUILDING USE ON HOLIDAYS AND WEEKENDS

- No one is ever allowed in the building prior to 6:00 a.m. without prior approval by the ~~Executive Director~~ Facilities Manager.
- Anyone who wants to enter the building on holidays or weekends MUST be trained on how to disarm and arm the alarms – NO EXCEPTIONS.
- If you enter the building and the alarm is disarmed, it is your responsibility to let others know in the building that you are there by pressing '80' on the phone followed by pressing the 'checkmark'. Wait for a moment then say, "This is _____, I am in room ##.
- When leaving the building, announce that you are leaving and ask that others in the building check in with you, either by phone or by meeting at the exit. The last person in the building is responsible for securing the building and setting the alarm.

ALARM SYSTEM

IMPORTANT: *If you accidently trip an alarm for whatever reason, you must follow the instructions posted by each alarm keypad. The alarm company will contact Facilities Manager, Executive Facilities Director, Adult Education Director or Principal, to determine whether to dispatch the police or the security company. If they do not know who or what has triggered the alarm, a dispatch will be authorized. Guadalupe is charged for false alarms, so it is critical that you contact one of the people listed so that the additional fees ~~are~~ can be avoided.*

In Summary:

- ***DO not enter the building prior to 6:00 a.m.***
- ***You must be trained on the alarm system prior to opening the building and prior to using the building on the weekends or holidays.***
- ***If you do set off the alarms, you MUST follow the instructions posted by the alarm pad.***

1203 Facilities Usage

The primary use for the building shall be for education programs. During the day classes are held for kindergarten through sixth grade, school-based preschool for three- and four-year old's, and home-based

preschool for birth to toddler. The ~~Voluntary Improvement~~ Adult Education Program classes for adults are held in the day and evening.

The Early Learning Center (ELC) program and ~~VIP~~ Adult Ed Family Literacy program are held during the day.

School facilities will not be available for secondary use because of limited space except as approved by the Executive Director. School facilities will be unavailable for use on Saturday, Sunday or holidays except as deemed appropriate by the Executive Director.

1204 Keys

This policy is to ensure that Guadalupe facilities and property are only accessed for authorized purposes, ensuring health and safety while at the same time providing an open, safe, comfortable and efficiently run environment that contributes to meeting the teaching objectives of the School.

School personnel are issued a numbered access card key and personal code for access to the building. A signature is required when the key is issued with the understanding a $10.00 fee will be charged if the key is lost. In no instance will school personnel loan, duplicate, re-assign, or transfer their key or code, other than to the Facilities Manager or CFO.

Keys will be returned to the Facilities Manager or the CFO upon request, or at the end of employment or assignment that requires keys.

School personnel shall not use their key to grant access to any person that does not have an authorized key/code, unless the person is accompanied and is being supervised by the school personnel.

Access to school building and grounds outside of designated school hours shall be limited to personnel whose work requires it or for activities that have been approved by the Executive Director, Director of Adult Education or Principal.

It shall be the responsibility of school personnel to secure the facility if they are accessing it outside of designated business hours. At no time shall students be allowed in the school building or part thereof without approved supervision.

1205 Snow Removal

- Snow removal contractor will plow and salt parking lot, ~~and~~ clear all concrete areas, and apply ice melt when snow is more than 1 inch.
- Ice melt and snow shovels are staged at the Front Security vestibule and in the table room of the multipurpose room for access when needed by anyone.
- When there is icy conditions or light snow, the first person on the premises in the morning will apply ice melt on the walkways and shovel when necessary.

1206 Storage and Housekeeping

Guadalupe aims to provide a clean, organized, and healthy environment where students may learn and study. All classrooms, closets, and storage areas are to be maintained in a condition that is acceptable to the Executive Director, the Health Department, and local emergency authority. No combustible or heavy materials are to be stored on any cabinet or shelf in such a way as to present a hazard for fire or from falling into a working area. All combustibles are to be stored at least 24” from the ceiling according to fire code in a locked area and all heavy materials must be restrained against falling. All teachers, administrative staff members, and

maintenance are responsible for checking personal work areas daily and maintaining them in a safe and healthy manner.

All areas of the school are to be maintained at or above the minimum standards and codes set forth by OSHA, NFPA, the Health Department, the Utah Administrative Code, and any other authorities with jurisdiction.

All cleaning materials must be stored according to their like or similar properties under lock and key. Cleaning chemicals should only be secured by the custodian. No combustibles shall be allowed to accumulate around sources of ignition, and never in electrical rooms, boiler rooms, mechanical rooms, or exit passage ways. Individual work rooms and areas shall at least meet the minimum standard established by the Executive Director, the State Board of Education, and work force as a group.

Additionally, all cloth-covered furniture located in the reception area and private offices must be maintained in good condition and acceptable to the standards established by the Executive Director. Cloth-covered furniture is not allowed in individual classrooms.

1207 Security Cameras

This policy sets out the framework on how Guadalupe School will use security cameras. The school will use security cameras to enhance the safety and security of students, staff, and property, while protecting individuals' right to privacy.

The security camera installation consists of dedicated cameras providing real-time surveillance through a central monitoring facility. The primary use of security cameras is to discourage inappropriate and illegal behavior and to enhance the opportunity to apprehend offenders.

Signage

The school will post signs at all three entrances alerting students, staff, parents, and visitors to the use of security cameras for monitoring and recording inside school property.

Camera Location

In general, cameras are located to view entrance/exit areas that are prone to vandalism or activity in violation of school policy.

Access to Digital Images

Video data is recorded and stored digitally on Digital Video Recorders equipped with onboard hard drive storage. The recorded data and DVRs are considered confidential and secure.

Both the recorders and recorded data are housed in a limited-access, controlled area. Only the following individuals are authorized to access the recorders and recorded archival data: Executive Director, Principal, Director of Adult Education, and IT person.

Authorized individuals, with written notice to the Executive Director, may access or ask other staff to review recorded data in order to ascertain security concerns related to a specific incident.

Occasional spot checks of the recorded data will be made by the Executive Director or his/her designee to assure proper operation of the system and to review machine room access procedures. The frequency of viewing and the amount of video viewed at one time will be limited to the minimum needed to give assurance that the system is working and to verify compliance of machine room access policies.

Retention of Digital Images

Recordings shall be kept for at least 30 days, unless required as part of an ongoing investigation. The storage media shall be kept in a secure area.

Access by Law Enforcement

Authorized individuals may use a still shot or selected portions of recorded data to request law enforcement review for assessing the security risk of a specific individual or for investigating a crime on school property.

For investigations initiated by law enforcement agencies, recorded data will be made available to law enforcement upon presentation of a valid court order establishing probable cause to review the data.

Any such review by law enforcement will be with the knowledge and approval of the Executive Director or his/her designee.

Retention of Digital Images

Recordings shall be kept for at least 30 days, unless required as part of an ongoing investigation. The storage media shall be kept in a secure area.

1208 Computer Lab

1209 Use of Building as Civic Center

- The use of Guadalupe school buildings and grounds is granted pursuant to the Utah Civic Center statutes at UCAss53A-3-412 and 414. Approval under this policy is a Permit under the schools' statutes and grants the charter school full legal immunity under the Government Act of Utah pursuant to s63G-7-301(5)(c). The school may charge a fee for facility use to cover the cost of opening and maintaining the building.

1300 FINANCE

1301 Fees

As mandated by the Utah State Constitution and the Utah State Board of Education, Guadalupe is prohibited from charging fees to elementary school students; therefore, Guadalupe does not charge fees for any services or extracurricular activities.

A fee is defined as any charge, deposit, rental, or other mandatory payment in the form of money or goods. Any and all charges related to the National School Lunch Program, such as food or milk, are not considered fees; however, because Guadalupe is a Provision III school, students are not charged for food, milk or snacks.

Guadalupe will provide all student supplies for elementary students. A student may, however, be required to replace supplies provided by the school which are lost, wasted, or damaged by the student due to careless or irresponsible behavior.

As permissible by law, Guadalupe may make donation or time requests to supplement the school's funds. All donation requests are strictly voluntary, and must be worded as such. Students and families may not be excluded from activities or penalized in any way because they did not make time or monetary donations. At no time will the names of those who did not make donations be revealed, although those who make major donations may be honored. All donations are tax-deductible.

1302 Fundraising

In accordance with Rule R277-407-10, Guadalupe Charter School does not authorize, establish, or allow for individual fundraising. Although the school may allow group fundraisers, it may not deny a student any privilege based on the student's non-participation in a fundraiser. The School shall notify parents of a group fundraising, letting parents and students know how and when specific details will be provided.

Guadalupe Center Educational Programs receives contract funds and federal funds and relies on various other forms of fundraising and donations. All fundraising activities engaged in by the Development Department will remain in harmony with the standards and values of the school, as well as in compliance with state and federal law. In an effort to minimize ongoing fundraising efforts within the school, the Development Department will organize and sponsor major special events annually to raise money which will be designated toward the enrichment of the school's educational programs: Adult Education Program, Toddler Beginnings, In-Home Program, Preschool and Charter School.

Teachers and staff members must clear any fundraising activities through the Development Department prior to engaging in a fund-raising activity.

Financial contributions from corporations, foundations, individuals and other forms of donations are sought by the Development Department so that the school may continually grow and strengthen for the students of the future.

1303 Gift of $100 to High School Graduates

Guadalupe Charter School's policy and procedure regarding payment of $100:

- Student graduated from Guadalupe School (kindergarten through grades).
- Student graduated from high school.
- Copy of diploma required with Office of Education seal.
- Gift of $100 expires one year from expected high school graduation date within the calendar year.

1400 OPERATIONS

1401 Child Abuse – Neglect Reporting

Guadalupe provides a safe and protective environment for all of its students.

In accordance with 53E-6-701, 53G-9-207, R277-401 and 62A-4a-403, Utah law requires any person who has reason to believe that a child has been subjected to abuse, human trafficking, neglect, or dependency to immediately notify the nearest office of Child and Family Services, a peace officer, or a law enforcement agency. Abuse, neglect, or dependency of a child can be physical, emotional, or sexual.

The following procedures will be followed:

1. In the event of suspected child abuse, human trafficking or neglect, the staff member must notify the school social worker. He/she will contact the proper authorities as needed.
2. When an interview of the student is required, a form "Notice of Investigation" is given to the agency representative before he/she interviews the student. Proper identification of the agency representative must be presented to the receptionist/secretary or designee.

3. All information on the form must be completed and signed by the agency representative.
4. The school administrator signs the form at the conclusion of the interview.
5. The report form is filed in a locked file cabinet located in the office of the school administrator.
6. All reports are strictly confidential.

In the event someone outside of the school, such as a neighbor or family member, reports a suspected form of child abuse, neglect or dependency, the same procedures as listed above will be followed.

(Refer to Attachment 1401A located at the end of this section.)

1402 Copy Right Law

Guadalupe is committed to observance of federal copyright laws. Guadalupe also recognizes the hard work educators put into preparing original works for us in the classroom and elsewhere. Guadalupe wants to encourage an atmosphere of collegiality where best practices and content is shared freely at the same time allowing employees to benefit from hard work, creativity, and ingenuity.

1. The office of instructional services shall advise Guadalupe personnel of the obligations and restrictions of copyright laws. Guadalupe employees are however, individually responsible for understanding legal obligations and restrictions with respect to copyright laws and to act accordingly. Employees in violation of Federal Copyright Laws and District policies will be held responsible and will be subject to discipline.
2. Guadalupe employees are responsible to seek permission and to provide appropriate attribution when using copyrighted materials. (See Utah State Office of Education Guidelines, for School Use of Copyrighted Materials.)
3. Original works written, composed, and produced by Guadalupe employees as a part of an assigned task while under employment, shall be considered “work for hire” under U.S.C 201 and must be credited to Guadalupe School. Otherwise stated, all lesson plans, assignments, assessments, literary works, or any other work prepared for or created incident to an employee’s job duties belong to Guadalupe School.
4. Employees shall not use contract time or Guadalupe equipment or resources for personal use or for creating original works not intended to be utilized in performing an employee’s job duties.
5. Work for hire as described above, shall be available to other Guadalupe employees free of charge as part of Guadalupe collaboration. Otherwise, Guadalupe employees may request permission to sell, barter, or otherwise distribute work product outside the Guadalupe that is work for hire. Permission may be granted by the district considering the level of independent thinking and effort of the employee in creating the work product, the circumstances under which the work product was created, the benefit or harm incurred by Guadalupe School if permission is granted or denied, and the good faith efforts of the employees in seeking permission.

1403 Disability

In accordance with Federal law, Guadalupe does not discriminate on the basis of disability with regard to admission, educational services, employment, or otherwise. Under Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act, an individual with a disability is defined as:

- A person with a mental or physical impairment which substantially limits one or more major life activity, such as seeing, hearing, speaking, breathing, or learning
- A person who has a record of such impairment
- A person who is regarded as having such impairment

All students who meet the above definition of an individual with a disability will be evaluated, identified, and provided with Free Appropriate Public Education (FAPE) as applicable. Guadalupe will make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment according to their needs.

Parents of children with disabilities are entitled to procedural safeguards, including individual notice and an impartial hearing. If parents have a disability discrimination complaint, relevant information for the grievance procedure is available at the front office.

1404 Dual Enrollment

- Guadalupe School's childhood programs do not accept dual enrollment. All enrolled students must attend 100% time.
- Adult Education allows for dual enrollment as long as schedules do not conflict.

1405 Internet Safety Policy

The purpose of this Internet Safety Policy is to ensure the safe and appropriate use of the internet by students and staff in Guadalupe School. This policy is designed to comply with the Children's Internet Protection Act (CIPA) and provide guidelines for responsible internet use within the school premises and on school-owned devices.
Internet Safety Measures
1.1. Access to Inappropriate Content
1.1.1. The school shall employ filtering software to prevent access to obscene, explicit, or harmful material as required by CIPA.
1.1.2. The filtering software and configurations shall be audited and updated at least quarterly to ensure its effectiveness in blocking inappropriate content.
1.1.3. Any attempts to bypass or disable the filtering software are strictly prohibited and may result in disciplinary action.
1.3. Appropriate Use
1.3.1. Students and staff shall use the internet in a responsible, ethical, and legal manner.
1.3.2. Accessing, creating, or transmitting material that is illegal, inappropriate, or disruptive to the educational environment is strictly prohibited.
1.3.3. Personal use of the internet during school hours should be limited to activities that support educational objectives or are otherwise approved by school authorities.
1.4. Personal Information
1.4.1. Students and staff shall not disclose personal information, such as full names, addresses, phone numbers, or social security numbers, while using the internet unless authorized for educational purposes.
1.4.2. Students shall not disclose personal information about themselves or others on websites, social media platforms, or in any online communication without permission from a teacher or guardian.
1.5. Cyberbullying and Harassment
1.5.1. Cyberbullying, harassment, or intimidation of any kind through internet use is strictly prohibited.
1.5.2. Students shall promptly report any incidents of cyberbullying or online harassment to a teacher or school administrator.
1.5.3. In accordance with R277-613-5, the school shall promptly report, investigate and take appropriate disciplinary action against thoseresponsible for cyberbullying or online harassment.
1.5.4. The school shall employ detective software to identify and address content that is related to bullying, self-harm, or other unsafe or unlawful topics in student email and documents.

Monitoring and Enforcement
2.1. The school reserves the right to monitor and review internet usage and network activity to ensure compliance with this policy and to maintain a safe and secure environment.
2.2. Any violations of this policy may result in disciplinary action, including but not limited to warnings, loss of internet privileges, or legal action if necessary.
Review and Updates
3.1.This Internet Safety Policy shall be reviewed periodically to ensure its effectiveness and

compliance with changing laws, regulations, and best practices. Updates and revisions may be

made as needed, and all members of the school community will be notified of changes to the policy. The school administration, staff, students, and parents are encouraged to provide feedback and suggestions for improvement.

Reporting and Response

4.1. Students, staff, and parents are encouraged to report any incidents of inappropriate internet use, cyberbullying, or online harassment to a designated school contact.

4.2. The school will investigate all reports promptly and take appropriate action to address the situation.

4.3. Confidentiality and privacy of those reporting incidents will be maintained to the extent possible.

Staff Responsibilities

5.1. School staff members are responsible for monitoring students' internet use during school hours and ensuring compliance with this policy.

5.2. Staff members shall actively promote and model responsible and safe internet use.

5.3. Staff members should promptly report any violations of this policy to the appropriate authorities.

Limitation of Liability

The school shall not be held liable for any loss, damages, or consequences resulting from the use of the Internet by students, staff, or guests, including but not limited to the loss of data, exposure to inappropriate material, or unauthorized access to personal information.

53G-9-703. Parent education -- Mental health -- Bullying -- Safety -- Video presentation regarding student use of technology.

((1)) Except as provided in Subsection (3), a school district shall offer a seminar for parents of students who attend a school in the school district that:

(i) is offered at no cost to parents;

(ii) (A) if in person, begins at or after 6 p.m.;

(B) if in person, takes place on a Saturday; or

(C) may be conducted at anytime online and recorded if the recording is made available on the school district's website, including the parent portal created in Section 53G-6-806.

(iii) (A) is held in at least one school located in the school district; or

(B) is provided through a virtual platform; and

(iv) covers the topics described in Subsection (2).

((b)) (i) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the school district.

(ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer more than three seminars.

(c) A school district may:

(i) develop the district school's own curriculum for the seminar described in Subsection (1)(a); or

(ii) use the curriculum developed by the state board under Subsection (2).

(d) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of a parent seminar, so the charter school may inform parents of the seminar.

(2) The state board shall:

(a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:

(i) substance abuse, including illegal drugs and prescription drugs and prevention;

(ii) bullying;

(iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;

(iv) Internet safety, including pornography addiction;

(v) the SafeUT Crisis Line established in Section 53B-17-1202; and

(vi) resources related to the topics described in this Subsection (2); and

(b) provide the curriculum, including resources and training, to school districts upon request.

(3) (a) A school district is not required to offer the parent seminar if the local school board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.

(b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the state board and provide the reasons why the local school board chose not to offer the parent seminar.

(4) (a) The state board shall develop a brief video presentation that is directed at educating parents about potential safety and legal issues a student may encounter regarding the student's use of technology, including:

(i) sharing personal data via social media and other means of communication; and

(ii) creating or sharing sexual or nude images, both real and artificially produced.

(b) The state board shall make the video presentation described in Subsection (4)(a) available to each school district so that the school district may provide the video presentation to parents within the school district.

1406 Enrollment

Policy

In accordance with R277-437, the following enrollment options are offered: Guadalupe Charter School accepts applications for enrollment on a year-round basis for all students from birth through age eleven. Kindergarten through sixth grade students must meet state application and notification deadlines. The application process begins with a Uniform application. Upon acceptance, parents will be asked to provide a more detailed application.

Procedures

Awareness/Outreach Plan
An awareness campaign to inform the community about acceptance of applications at Guadalupe may include:

- Holding public meetings
- Listing in newspaper(s)
- Website
- Posting notices in public libraries
- Distributing flyers and brochures
- Public Service Announcements
- Displaying banners
- Open House

Priority

- The first priority for enrollment will be given to children presently enrolled and whose parents have followed the application procedure for current students.
- Second priority will be given to Founding Members and employees of Guadalupe Educational Programs, Inc.
- Third priority will be given to siblings of those already enrolled and selected by a random draw conducted in an open meeting.
- Fourth priority will be given to students who are selected by a random draw conducted in an open meeting.
- For the sixth grade, priority will be given to students that have over 85% attendance from the previous year.
- When a child is removed from the In-Home Program due to parental noncompliance of the guidelines, the parent must wait for 3 months before she/he can reapply for admittance to the program. At that time the child will be given a priority #2 status, if applicable. If a parent is removed from the program a second time, they will not be allowed back into the In-Home Program.

Application Procedure

Current Students:

- Parents receive a Letter of Intent by February 1 and return it to school by February 15.
- Parents receive an Admission Acceptance Form by March 7 and return it to school by March 14.
- Applicants will be notified in writing of their status or any change of status.
- If a student is not returning, parents must provide Guadalupe with a Letter of Acceptance form from the new school.
- If a student does not register or attend class the first day of school and the parent has not given notification of the reason for the absence, he/she forfeits his/her enrollment status.
- If there is still interest in enrollment, the parent must fill out a new application and the student is placed on the waitlist.

New applicants:

- Open enrollment begins at birth for interested families, as allowed under Federal Charter School Guidelines (Title V, Part B, c6).

- Complete a Uniform application and submit it to the school. Applications may be received via mail, e-mail, and personal delivery. The school secretary/receptionist will receive all applications.
- Within two weeks of receiving an application, the school will notify applicant of receipt. An application will not be considered complete until such notice has been received.
- After February 28th (29th), students will be included in the first lottery for the following school year.
- By March 31st parent will be notified of acceptance or non-acceptance.
- Parent must submit an acceptance of the offer by April 30th.
- Upon acceptance, the school will notify the new student's current school of his/her enrollment by requesting the student's cum file with the universal "Transfer/Exit Status Form."
- Applications will be accepted in accordance with the following open enrollment dates. Once a family has applied, their application will remain active throughout the school year.

Open Enrollment Dates	**Selection Months**
July 1st through August 31st	September
October 1st through November 30th	December
January 1st through February 28th / 29th	March
April 1st through May 31st	June

Withdrawal at the end of the year

The parent of an enrolled student may withdraw the student from Guadalupe for enrollment in another school by:

- Submitting notice of intent to enroll the student in the district of residence for the subsequent year to the student's charter school no later than June 30 of the current school year;
- Submitting notice of intent to enroll the student in another charter school for the subsequent school year to the current charter school of attendance, together with a letter of acceptance from the proposed charter school of attendance, no later than June 30 of the current school year; or obtaining approval from both the charter school of attendance and the school district or charter school in which enrollment is sought, if the parent desires to change the student's enrollment during the school year or after June 30.
- The school shall report to school districts, by the last business day in April, May, June, July and August, the aggregate numbers of new students, sorted by their resident school and grade level, who have accepted enrollment in the school.

(Refer to Attachment 1406A located at the end of this section.)

1407 Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA)

Guadalupe School has adopted policies for student records and information management consistent with the Family Educational Rights and Privacy Act (FERPA), 20 USC §1232g, 34 CFR Part 99; Protection of Pupil

Rights Amendment (PPRA), 20 USC §1232h, 34 CFR Part 98; the Elementary and Secondary Education Act, 20 USC §7165, 20 USC §7908, 10 USC §503; Utah Code 53A-13-301; Utah Code 53A-13/302.

STUDENT RECORDS

Under FERPA, parents and legal guardians of students currently enrolled or eligible students (those over the age of 18 years or who have been emancipated) have the following specific rights:

- **The right to inspect and review the student's education records within 45 days of the day the school receives a request for access.**

If you wish to exercise this right, you should submit to the Principal/Executive Director or designee a written request that identifies the record(s) you wish to inspect. The Principal/Executive Director will make arrangements for access and notify you of the time and place where the record(s) may be inspected.

- **The right to request the amendment of the student's education records that the parent, guardian, or eligible student believes are inaccurate or misleading.**

If you wish to exercise this right, you should write the Principal/Executive Director, clearly identify the part of the record you want changed, and specify why it is inaccurate or misleading. If the school decides not to amend the record as requested, the school will notify you of the decision and advise you of your right to a hearing regarding the request for amendment. Additional information about the hearing procedures will be provided with notification of the right to a hearing.

- **The right to give written consent before the school may disclose personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.**

Consent is not required for disclosures to "school officials with legitimate educational interests." A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Guadalupe Charter Board; a person or company with whom the school has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Consent is not required to disclose education records, including disciplinary records, to officials of another school district in which a student seeks or intends to enroll.

DIRECTORY INFORMATION

Guadalupe may also disclose appropriately designated Directory Information without prior written consent, unless parents, guardians, or eligible students have specifically requested, in writing, that such information not be disclosed. Guadalupe defines director information as the following:

- Student's name, address, and telephone list
- Date and place of birth
- Participation in officially recognized activities and sports
- Weights and heights
- Dates of attendance
- Awards and honors
- School and grade

- Photographs and other images

Such information, which is generally not considered harmful or an invasion of privacy if released, may appear in school publications and be disclosed to outside organizations, including, but not limited to, companies that publish yearbooks. Examples of the use of directory information include the following:

- Student directories
- School yearbooks
- Class lists and team rosters
- Graduation, theatrical, athletic, and music programs
- Videos of performances, school activities, and athletic events
- Articles about school activities and athletic events
- Lists and photos of students receiving honors, awards, or scholarships
- News media coverage of school events or programs

Denial of Release of All Directory Information – Any Student K-6

If you wish to deny the release of your student's directory information, in all contexts, as described above, you must submit a written request to the Principal/Executive Director within 20 days of your student's enrollment.

Choosing this option means that your student's directory information will not be released without your prior written consent. It also means your student will be excluded from school documents that typically are made public, such as yearbooks, graduation programs, honor roll and other recognition lists; sports, musical and theatrical programs; student directories; and other documents related to school-sponsored organizations or activities.

SPECIFIC PRIVACY PROTECTIONS

The Protection of Pupil Rights Amendment (PPRA), appended to FERPA, requires Guadalupe to notify you and obtain consent or allow you to opt your child out of participating in any federally funded student survey, analysis, or evaluation that reveals information concerning the following eight protected areas:

- Political affiliations or beliefs of the student or student's parent or guardian
- Mental or psychological problems of the student or student's family
- Sexual behavior, orientation, or attitudes
- Illegal, anti-social, self-incriminating, or demeaning behavior
- Critical appraisals of others with whom respondents have close family relationships
- Legally recognized privileged relationships, such as with lawyers, doctors, or ministers
- Religious practices, affiliations, or beliefs or the student or student's parent or guardian
- Income, other than as required by law to determine program eligibility

Parents, legal guardians, and eligible students have the right to review, upon request and before giving consent, any survey that concerns one or more of the eight protected areas and any instructional materials used in connection with such a survey. To review a survey instrument or instructional materials connected with it, please contact the Principal/Executive Director of your child's school to arrange a time and place for review.

53G-10-103, R277-628, R277-123. Sensitive instructional materials.

(As used in this section:

1) (a) (i) "Instructional material" means a material, regardless of format, used:

(A) as or in place of textbooks to deliver curriculum within the state curriculum framework for courses of study by students; or

(B) to support a student's learning in any school setting.

(ii) "Instructional material" includes reading materials, handouts, videos, digital materials, websites, online applications, and live presentations.

(iii) "Instructional material" does not mean exclusively library materials.

(b) "LEA governing board" means:

(i) for a school district, the local school board;

(ii) for a charter school, the charter school governing board; or

(iii) for the Utah Schools for the Deaf and the Blind, the state board.

(c) "Material" means the same as that term is defined in Section 76-5c-101.

(d) "Minor" means any person less than 18 years old.

(e) "Objective sensitive material" means an instructional material that constitutes pornographic or indecent material, as that term is defined in Section 76-5c-208, under the non-discretionary standards described in Subsections 76-5c-207(1)(a)(i)(A), (B), or (C).

(f) "Public school" means:

(i) a district school;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

(g) (i) "School setting" means, for a public school:

(A) in a classroom;

(B) in a school library; or

(C) on school property.

(i) "School setting" includes the following activities that an organization or individual or organization outside of a public school conducts, if a public school or an LEA sponsors or requires the activity:

(i) (A) an assembly;

(B) a guest lecture;

(C) a live presentation; or

(D) an event.

(h) (i) "Sensitive material" means an instructional material that constitutes objective sensitive material or subjective sensitive material.

(ii) "Sensitive material" does not include an instructional material:

(A) that an LEA selects under Section 53G-10-402;

(B) for a concurrent enrollment course that contains sensitive material and for which a parent receives notice from the course provider of the material before enrollment of the parent's child and gives the parent's consent by enrolling the parent's child;

(C) for medical courses;

(D) for family and consumer science courses; or

(E) for another course the state board exempts in state board rule.

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

(A) material that is harmful to minors under Section 76-5c-101;

(B) material that is pornographic under Section 76-5c-101; or

(C) material that includes certain fondling or other erotic touching under Subsection 76-5c-207(1)(a)(i)(D).

(2) (a) Sensitive materials are prohibited in the school setting.

(b) A public school or an LEA may not:

(i) adopt, use, distribute, provide a student access to, or maintain in the school setting, sensitive materials; or

(ii) permit a speaker or presenter in the school setting to display or distribute sensitive materials.

(c) In evaluating, selecting, or otherwise considering action related to a given instructional material under this section, each public school and each LEA shall prioritize protecting children from the harmful effects of illicit pornography over other considerations in evaluating instructional material.

(d) If an instructional material constitutes objective sensitive material:

(i) a public school or an LEA is not required to engage in a review under a subjective sensitive material standard; and

(ii) the outcome of a subjective sensitive material evaluation has no bearing on the non-discretionary objective sensitive material conclusion.

(3)(a) Except as provided in Subsection (3)(b), the following individuals may initiate a sensitive material review under this section:

(i) an employee of the relevant LEA;

(ii) a student who is enrolled in the relevant LEA;

(iii) a parent of a child who is enrolled in the relevant LEA; or

(iv) a member of the relevant LEA governing board.

(b)(i) As used in this Subsection (3)(b), "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the LEA concludes to be erroneous, either on direct review or on appeal to the LEA governing board, resulting in the retention of the given instructional material.

(ii) Notwithstanding Subsection (3)(a), after an individual makes three unsuccessful challenges during a given academic year, the individual may not trigger a sensitive material review under this section during the remainder of the given academic year.

(4) Upon receipt of an allegation from an individual described in Subsection (3)(a), an LEA shall:

(a)(i) make an initial determination as to whether the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material, including whether the allegation includes excerpts and other evidence to support the allegation; and

(ii) if the LEA determines that the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material under Subsection (4)(a)(i), immediately remove the challenged material from any school setting that provides student access to the challenged material until the LEA completes the LEA's full review of the challenged material under this section;

(b)(i) engage in a review of the allegations and the challenged instructional material using the objective sensitive material standards; and

(ii) if the LEA makes a determination that the challenged instructional material constitutes objective sensitive material, ensure that the material remains inaccessible to students in any school setting;

(c) only if the LEA makes a determination that the challenged instructional material does not constitute objective sensitive material:

(i) review the allegations and the challenged instructional material under the subjective material standards, ensuring that the review includes parents who are reflective of the members of the school's community when determining if an instructional material is subjective sensitive material;

(ii) allow student access to the challenged instructional material during the LEA's subjective sensitive material review if the student's parent gives consent regarding the specific challenged instructional material; and

(iii) if the LEA makes a determination that the challenged instructional material constitutes subjective sensitive material, ensure that the material is inaccessible to students in any school setting, including the termination of the parent consent option described in Subsection (4)(c)(ii); and

(d) communicate to the state board the allegation and the LEA's final determination regarding the allegation and the challenged instructional material.

(5) (a) An individual described in Subsection (3)(a) may appeal an LEA's decision regarding a sensitive material review, regardless of whether the LEA removed or retained the challenged instructional material, to the LEA governing board.

(b) An LEA governing board shall vote in a public board meeting to decide the outcome of a sensitive material review appeal, clearly identifying:

(i) the board's rationale for the decision; and

(ii) the board's determination on each component of the statutory and any additional policy standards the board uses to reach the board's conclusions.

(6) An LEA governing board may not enact rules or policies that prevent the LEA governing board from:

(a) revisiting a previous decision;

(b) reviewing a recommendation of LEA personnel or a parent-related committee regarding a challenged instructional material; or

(c) reconsidering a challenged instructional material if the LEA governing board receives additional information regarding the material.

(7) (a) Except as provided in Subsection (7)(d), if the threshold described in Subsection (7)(b) is met, each LEA statewide shall remove the relevant instructional material from student access.

(b) The requirement described in Subsection (7)(a) to remove a given material from student access applies if the following number of LEAs makes a determination that a given instructional material constitutes objective sensitive material:

(i) at least three school districts; or

(ii) at least two school districts and five charter schools.

(c) The state board shall:

(i) aggregate allegations and LEA determinations described in Subsection (4)(d); and

(ii) no later than 10 school days after the day on which the condition described in Subsection (7)(b) occurs, communicate to all LEAs the application of the requirement described in Subsection (7)(a) to remove the material from student access.

(d) (i) When the threshold described in Subsection (7)(b) is met for a given instructional material, in addition to making the communication described in Subsection (7)(c), the state board may:

(A) place the material on the agenda of a public board meeting within 60 days after the day on which the state board makes the communication to LEAs under Subsection (7)(c); and

(B) at the specified state board meeting, vote to overturn the application of the requirement described in Subsection (7)(a) to remove a given material from student access statewide.

(ii) If the state board votes to overturn the application of the statewide removal requirement described in Subsection (7)(a) under Subsection (7)(d)(i):

(A) the statewide removal requirement described in Subsection (7)(a) no longer applies;

(B) an LEA may choose to return the given material to student access; and

(C) nothing affects the findings of an LEA governing board regarding removal of the given material within the board's LEA.

(e) This Subsection (7) applies to sensitive materials that LEAs remove from student access, regardless of whether:

(i) the sensitive material determinations occur in the same academic year; or

(ii) a sensitive material determination occurred before July 1, 2024.

(8) The state board shall:

(a) in consultation with the Office of the Attorney General, provide guidance and training to support public schools in identifying instructional materials that meet the definition of sensitive materials under this section;

(b) establish a process through which an individual described in Subsection (3)(a) may report to the state board an allegation that an LEA is out of compliance with this section; and

(c) annually report to the Education Interim Committee, at or before the November interim meeting, on implementation and compliance with this section, including:

(i) any policy the state board or an LEA adopts to implement or comply with this section;

(ii) any rule the state board makes to implement or comply with this section; and

(iii) any complaints an LEA or the state board receives regarding a violation of this section, including:

(A) action taken in response to a complaint described in this Subsection (8)(c)(iii);

(B) if an LEA retains an instructional material for which the LEA or the state board receives a complaint, the LEA's rationale for retaining the instructional material; and

(C) compliance failures that the state board identifies through the reporting process described in Subsection (8)(b) and other investigations or research.

(9) The state shall defend, indemnify, and hold harmless a person acting under color of state law to enforce this section for any claims or damages, including court costs and attorney fees, that:

(a) a person brings or incurs as a result of this section; and

(b) is not covered by the person's insurance policies or any coverage agreement that the State Risk Management Fund issues.

(10) Subject to prioritization of the Audit Subcommittee created in Section 36-12-8, the Office of the Legislative Auditor General shall:

(a) conduct an audit of each school district's compliance with this section, ensuring the completion of all school district audits before November 2028; and

(b) annually report to the Education Interim Committee regarding completed sensitive material audits under this Subsection (10).

Utah Code (53A-13-301-302) expands the requirements for parental notification and consent under the federal FERPA/PPRA law. The state law requires that parent(s) or guardian(s) be notified at least two weeks before planned activities or assignments pertaining to the eight protected areas are scheduled in the classroom, or before any survey, analysis, or evaluation about one or more of the protected topics is to be given. A parent or guardian must give prior written consent; if consent is not obtained, a student may not participate in such activities or discussions.

Complaints of alleged failures by the school to comply with student privacy requirements should be addressed to the school's Principal/Executive Director. If they are not or cannot be resolved at the local level, FERPA/PPRA complaints may be filed with the following federal agency:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-4605 Telephone: (202) 260-3887

1408 Lost and Found

In order to help the school, return lost items to students, coats, backpacks and other items should be labeled with the student's name. All items presumed to be lost or misplaced by students will be placed in the school's Lost and Found box.

During the winter and spring breaks and at the end of the school year all unclaimed items will be donated to a charitable organization. Notices will be sent home prior to the donation. The school assumes no responsibility for lost items.

1409 Outdoor Activity Restrictions

Guadalupe cares about the health and well-being of all students and staff. In order to help prevent health problems, child education programs will place restrictions on outdoor activities based on the Utah Department of Health and Utah Department of Environmental Quality guidelines.

Guadalupe will monitor the health department's website for air quality. During high-pollution occurrences teachers will access one-half hour prior to recess time the website www.airquality.utah.gov to determine current air quality conditions. The Health Department guidelines for restriction of outdoor activities will be followed.

When children need to stay inside, teachers will provide appropriate indoor physical activities.

1410 Policy Development

General Policy Making

A. Requests for a new policy, a policy revision, or policy repeal may originate from any member of the Guadalupe staff. Other Guadalupe administrators wishing to create or revise policy would do so through a Guadalupe administrator.

B. Requests for policy creation, revision, or repeal shall be immediately referred to the Administrators office for review and generation of a preliminary response from the Administrator's office as to the usefulness and or practicability of the policy creation, revision or repeal. No later than 60 days form the initiation of the request for a policy action, the administrator shall fully consider the impacts of the proposed policy action, after consulting with third-party experts, the affected parties, and other Guadalupe employees and present a preliminary response and recommendations to the Guadalupe staff.

C. Upon the Guadalupe's staff review of the preliminary response, the Guadalupe staff, at its discretion, allow the proposed policy creation, revision, or repeal to fail for lack of action, take action directing the Guadalupe staff to draft a new proposed policy, make a revision, or repeal a current policy. In taking such action, the Guadalupe staff will establish a reasonable time for administrators to respond to the Guadalupe Staff with a proposed policy action, which shall be placed on the Administrator agenda at their meeting.

D. After a first reading and discussion, the board may choose to:
    a. Consider the proposed policy again at its next meeting with any revisions incorporating Staff suggestions; or
    b. Direct the Guadalupe Staff to take no further action on the proposed policy.

E. If the Guadalupe staff decides to consider the proposed policy again, Guadalupe staff shall direct the Administrator to file a copy of the proposal policy and Legal Services for public posting and a 14-day comment period. The administrator shall also send copies of the proposal to:
   a. Person who have filed a specific request with the Administrator
   b. Persons who must be given notice by statutory or federal mandate
   c. Other persons who, in the judgement of the administrator should receive notice

F. Following a second or subsequent reading and administrator discussion, the Administrators may choose to;
   a. Consider the proposal again at its next meeting with any revisions incorporating administrators board suggestions and public comments;
   b. Direct the administrator to take no further action on the proposal;
   c. Approve the proposal and its effective date.

1411 Prayer in School/Religious Observance and Education

Guadalupe has no policy that prevents or otherwise denies student participation in constitutionally protected prayer. Students are allowed to pray in school if they choose; however, school personnel are prohibited from leading the class in a prayer.

Guadalupe will maintain constitutional freedom in regards to religious observation and education. School activities, performances, or displays which include religion, or religious thought or expression, or the influence of religion on music, art, literature, law, politics, history, or any other element of the curriculum which is designed to achieve secular educational objectives will be undertaken. No aspect of cultural heritage, political theory, moral theory, or societal value will be included or excluded from the curricula simply because it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

Adapted from Utah Code 53A-13-101.1

1412 Records Management

The Board of Trustees is committed to see that records of Guadalupe Schools are managed in an efficient, responsible manner. Therefore, the Board delegates to the Administration responsibility for maintaining, classifying, preserving, accessing, and destroying school records in compliance with the Government Records Access and Management Act (GRAMA), Utah Code §63-2-701, annotated 1991.

Guidelines**:**

Records Management

- Guadalupe records shall be managed under the direction of the executive director.
- The CFO shall be the records officer for all general school records including Board of Trustees, minutes, Human Resource records, and all documents related to fiscal matters such as property, budgets, payroll, accounts, contracts, etc.
- The director of children's education/principal shall be the records officer for all records related to kindergarten through sixth grades students.
- The director of the Early Learning Center shall be the records officer for all records relating to ELC students
- The director of adult education shall be the records officer related to adult students.

Records Classification

- All Guadalupe records shall be classified as either public, controlled, protected or exempt.

Public Records

- Public records shall include:

  Official school policies, contracts, minutes, and accounts.

  Names, gender, job titles, job descriptions, business addresses, business telephone numbers, gross salaries, working hours, and dates of employment of all current and former employees.

  Documents showing formal criminal charges against an employee unless, in the judgement of the Director of Children's Education/Principal or Director of Adult Education, the charges are groundless or the charges are not sustained.

- Public records shall be open for public inspection during regular office hours as defined in the section "Access to School Records".

Private Records

- Private records shall include:
  Personnel files including applications, nominations, recommendations, evaluations, and proposals for advancement or appointments.

- Documents related to eligibility for unemployment benefits, social services, welfare benefits, personal finances, individual medical conditions, military status, and individual student records.

Controlled Records

- Controlled records shall be open only to the subject of the record, and other authorized individuals or agencies. Access to student records shall be provided in accordance with the Family Educational Rights and Protection Act (FERPA).

Protected Records

- Any information that, if disclosed, would jeopardize the life or safety of an individual or security of school property or programs.
- Documents that, if disclosed, would place the school at a disadvantage in contract negotiations, property transaction, or bargaining position or could enable circumvention of an audit.
- Records related to potential litigation or personnel hearings.
- Records generated in meetings which are closed in accordance with the Utah Open and Public Meetings law.
- Protected records shall be open only to authorized individuals and agencies or in response to court order.

Exempt Records

- Exempt records shall include student records which are protected by the Family Educational Rights and Protection Act (FERPA).

Access to School Records

- All requests must be submitted in writing by using the Request for Records form. Requests to view school records should be addressed to the appropriate records officer during regular business hours.
- Individuals requesting to view records classified as private, controlled or protected shall be required to prove their right to access the record through personal identification, written release from the subject of the record, power of attorney, court order, or other appropriate means.
- The records officer shall determine whether access to the requested record(s) is to be granted or denied.
- If the request is approved, the record(s) shall be provided as soon as possible and not more than ten working days from the date the request was received.
- If the request is denied, the records officer must specify the reason, and the requester shall be informed of the right to appeal.

Appeals process

- Appeals to the Board of Trustees

  The requester shall file a written request for a hearing with the Board President at least ten days before the requested hearing date upon receiving the request, the Board President shall schedule a mutually convenient date, time, and location of the hearing and notify all parties and post the meeting as required under open meetings law.

  The requester has the right to be represented by legal counsel at the hearing.

    If the requester is to be represented by legal counsel the administration must be notified at least ten working days in advance of the hearing.

    If the requester has legal counsel present at the hearing, the administration may also be represented by legal counsel.

  Within ten working days of the hearing, the Board President shall notify the requester in writing of the Board's decision.

Copying School Records

- The School may charge a fee for duplicating school records that is equal to the actual duplication cost plus any employee time involved.
- The School shall refuse to allow duplication of copyrighted materials.
- The School shall charge $.05 per page for duplicating records, plus the cost of labor involved at the rate of $12 per hour.

Retention of School Records

- The School shall adhere to the general schedule for records retention approved by the State Records Committee.
- Records which are not covered by the general schedule shall be submitted to the State Records Committee for scheduling.

(Refer to Attachment 1412A located at the end of this document.)

1413 Safe Routes

Child Access Routing Plan

- School Traffic Safety Committee members will consist of the Principal, Executive Director, PIC president, charter board president and staff members as required.
- School Plan
    - Written Plan (for bussed and privately transported children)
        - Guadalupe is located on ~~340 South Goshen Street (1040 West~~ 1385 N. 1200 West.
        - Zip Codes that feed into Guadalupe are primarily 84104 and 84116.
        - All children who attend Guadalupe either are bussed or privately transported by parents.
        - Bussed Students: Delete?
            - Bus 1 picks up and drops off students in front of their home from the 84104 area.
            - Bus 4 picks up and drops off students in front of their home from the 84116 area.
            - Bus 3 picks up and drops off students in front of their home from the 84104 area.
        - Bus Loading/Unloading Areas:
            - Buses 1, 4 and 3 will load and unload in the ~~north parking lot~~ bus loading zone in front of the school ~~playground area~~.
            - ~~Buses will pull up to the north door of the school, so children enter and exit safely on the school side~~.
            - All children will wear seatbelts while on the bus.
            - All children will enter and exit bus on curb side of street.
            - Once child has exited the bus, bus will wait until child goes into house safely.
        - Other Vehicle Loading and Unloading Areas:
            - Parents may use 1200 West to drop off children so children exit on the school side of the street from the car (cars should be heading south on Goshen Street).
            - Children who are transported by parent or by ~~other~~ another adult must be signed in at the front desk.
            - The right lane in front of the school is for dropping off children. The left lane is a drive through lane. Cars dropping off students may not stop in the left lane.
            - No car may double park in front of the school, and no child should enter/exit a vehicle unless it is parked next to the curb.

        - Dissemination of Plan and Training
            - All elementary children, at the beginning of the school year, shall be given training on entering and existing bus or car safely.
            - All parents will be instructed at the beginning of each new school year on Guadalupe's safe routes policy including loading and unloading zones.

1414 Search of Person or Property

Given the school's commitment to preserve a safe environment for all students and staff, Guadalupe officials have the authority to conduct reasonable searches of students and student property. In accordance with 53G-8-509 and R277-615, school officials engaging in searches of students and property shall abide by the following guidelines:

Personal belongings may be searched by school officials whenever school officials have reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a school official. All searches of student property by school officials shall be witnessed by an objective third party (such as another administrator, teacher, or police officer) to observe that the search is not excessively intrusive.
All contraband discovered in a search by school officials shall be immediately confiscated and turned over to law enforcement officers if school officials have reason to believe the contraband is related to the commission of a criminal act.

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

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

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

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

(Refer to Attachment 1414A located at the end of this section.)

1415 Severe Weather

The safety of students at Guadalupe is of concern to all school personnel. As such, rules and procedures to maintain safety have been established.

The school building has been examined to determine the most protected areas in the event of a tornado. Drills will be held in accordance with state guidelines to familiarize students with appropriate procedures.

Outdoor activities will be curtailed whenever the possibility of a lightning storm exists. The following guidelines will be applied by those on duty to determine the existence of a hazard:

- Rolling tumultuous clouds
- Sudden darkening of the sky
- Unusual stillness
- Lightning spotted and thunder heard in the surrounding areas

1416 Student Supervision

Staff members should never leave children unattended and without the supervision of a paid school employee or a school volunteer who has been fingerprinted and has had a background check.
No teacher, staff member, or administrator should be alone in a room with a child without an open door or an uncovered window.

Children will be allowed to use the bathroom or get a drink independently with permission from a staff member. If a child has not returned to class within 5 minutes, a staff member will check on them.

1417 Transportation

Transportation Policy - Electronic Devices

- There is a need to ensure that each school bus driver in the State of Utah is free from the distraction of electronic devices while performing their jobs. Guadalupe is taking the necessary steps to ensure that your child's school bus driver is free from any distraction relating to electronic devices while performing their jobs. Guadalupe will follow these standards. They are:

2 CFR 200.313 Definitions - Wireless Devices/equipment – Telecommunication Devices, Cell Phones, and other Wireless Devices

- It is the school bus operator's responsibility, in accordance with Guadalupe policy and training instructions, to keep his/her attention and awareness on the safe operation of the school bus, the safety of passengers and the safety of the public at all times.

- A Guadalupe bus driver shall not use or wear a cell phone, blue tooth, or other wired or wireless device while the school bus is in motion. This includes devices such as headsets, earpieces, earphones, or any other equipment that might distract a driver from their responsibilities.

- If the bus is stopped and appropriately secured, a bus driver may use these devices for emergencies, for special needs students, behavior management, field/activity trips, or other school related issues.

- A driver may use these devices for personal use once a school bus is safely parked, appropriately secured off the roadway and all passengers are safely off and moved away from the bus.

Discipline:

Failure to follow the above set standards may result in a formal reprimand, probation, or termination of job.

1418 Use of Physical Restraint

Physical restraint of students to ensure a safe school will only be used in situations consistent with Federal Law and Utah Code sections 53A-11-802 and 76-2-401 (3). As such, Guadalupe employees or volunteers may not inflict or cause the infliction of physical pain upon the body of a child as a disciplinary measure

Reasonable and necessary physical restraint or force will only be used in self-defense or when otherwise appropriate to the following circumstances:

- To obtain possession of a weapon or other dangerous object in the possession or under the control of a child;
- To protect the child or another person from physical injury;
- To remove from a situation a child who is violent or disruptive; or
- To protect property from being damaged.

Physical restraint will not be used as a punishment. Staff members will be trained in proper and safe child restraint techniques. Staff members must sign a “Prohibition of Corporal Punishment” form that is filed in employee’s personal file.

(Refer to Attachment 1418A located at the end of this section.)

Table of Contents

Preamble 2
School Wellness Committee 3
Wellness Policy Implementation, Monitoring, Accountability, and Community Engagement 4
Nutrition 5
Physical Activity 10
Other Activities that Promote Student Wellness 11

Guadalupe School Wellness Policy

Preamble

Guadalupe School

Guadalupe School is committed to the optimal development of every student. We believe that for students to have the opportunity to achieve personal, academic, developmental, and social success, we must create positive, safe and health-promoting learning environments at every level, in every setting, throughout the school year.

Research shows that two components – good nutrition and physical activity – before, during and after the school day, are strongly correlated with positive student outcomes. For example, student participation in the U.S. Department of Agriculture's (USDA) School Breakfast Program is associated with higher grades and standardized test scores, lower absenteeism and better performance on cognitive tasks.[1,2,3,4,5,6,7] Conversely, less-than-adequate consumption of specific foods including fruits, vegetables and dairy products, is associated with lower grades among students.[8,9,10]

[1] Bradley, B, Green, AC. Do Health and Education Agencies in the United States Share Responsibility for Academic Achievement and Health? A Review of 25 years of Evidence About the Relationship of Adolescents' Academic Achievement and Health Behaviors, Journal of Adolescent Health. 2013; 52(5):523–532.

[2] Meyers AF, Sampson AE, Weitzman M, Rogers BL, Kayne H. School breakfast program and school performance. American Journal of Diseases of Children. 1989;143(10):1234–1239.

[3] Murphy JM. Breakfast and learning: an updated review. Current Nutrition & Food Science. 2007; 3:3–36.

[4] Murphy JM, Pagano ME, Nachmani J, Sperling P, Kane S, Kleinman RE. The relationship of school breakfast to psychosocial and academic functioning: Cross-sectional and longitudinal observations in an inner-city school sample. Archives of Pediatrics and Adolescent Medicine. 1998;152(9):899–907.

[5] Pollitt E, Mathews R. Breakfast and cognition: an integrative summary. American Journal of Clinical Nutrition. 1998; 67(4), 804S–813S.

[6] Rampersaud GC, Pereira MA, Girard BL, Adams J, Metzl JD. Breakfast habits, nutritional status, body weight, and academic performance in children and adolescents. Journal of the American Dietetic Association.

2005;105(5):743–760, quiz 761–762.

[7] Taras, H. Nutrition and student performance at school. Journal of School Health. 2005;75(6):199–213.

[8] MacLellan D, Taylor J, Wood K. Food intake and academic performance among adolescents. Canadian Journal of Dietetic Practice and Research. 2008;69(3):141–144.

[9] Neumark-Sztainer D, Story M, Dixon LB, Resnick MD, Blum RW. Correlates of inadequate consumption of dairy products among adolescents. Journal of Nutrition Education. 1997;29(1):12–20.

[10] Neumark-Sztainer D, Story M, Resnick MD, Blum RW. Correlates of inadequate fruit and vegetable consumption among adolescents. Preventive Medicine. 1996;25(5):497–505.

In addition, students who are physically active (through active transport to and from school, recess, physical activity breaks, and high-quality physical education) do better

academically.[11,12,13,14] Finally, there is evidence that adequate hydration is associated with better cognitive performance.[15,16,17]

The following policy outlines Guadalupe School's approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. Specifically, this policy establishes goals and procedures to ensure that:

- Students of Guadalupe School have access to healthy foods throughout the school day through school meals, and additional programs such as the Fresh Fruit and Vegetable Program and the After School Supper Program in accordance with Federal and state nutrition standards.
- Students receive quality nutrition education to help them develop lifelong healthy eating behaviors.
- Students have opportunities to be physically active before and during school:
    - Each student is enrolled in Physical Education, a class that is taught once per week for total of sixty minutes for each grade, Kindergarten through 6;
    - All classes have thirty minutes of recess scheduled into their daily schedule;
    - Students in the Homework Hour/Afterschool program are also offered a recess.
- The community is engaged in supporting the work of GUADALUPE School in creating continuity between school and other settings for students and staff to practice lifelong healthy habits.
- Guadalupe School has established a new Wellness Team with the purpose of establishing and maintaining an infrastructure for school wellness management. This policy applies to all students, staff, and programs at Guadalupe School. Specific measurable goals and outcomes are identified within each section below.
- Guadalupe School will coordinate the wellness policy with other aspects of school management, including the School Improvement Plan.

[11] Schools for Disease Control and Prevention. *The association between school-based physical activity, including physical education, and academic performance*. Atlanta, GA: US Department of Health and Human Services, 2010. [12] Singh A, Uijtdewilligne L, Twisk J, van Mechelen W, Chinapaw M. *Physical activity and performance at school: A systematic review of the literature including a methodological quality assessment.* Arch Pediatr Adolesc Med, 2012; 166(1):49-55.

[13] Haapala E, Poikkeus A-M, Kukkonen-Harjula K, Tompuri T, Lintu N, Väisto J, Leppänen P, Laaksonen D, Lindi V, Lakka T. *Association of physical activity and sedentary behavior with academic skills – A follow-up study among primary school children*. PLoS ONE, 2014; 9(9): e107031.

[14] Hillman C, Pontifex M, Castelli D, Khan N, Raine L, Scudder M, Drollette E, Moore R, Wu C-T, Kamijo K. *Effects of the FITKids randomized control trial on executive control and brain function*. Pediatrics 2014; 134(4):

e1063-1071.

[15] Change Lab Solutions. (2014). *District Policy Restricting the Advertising of Food and Beverages Not Permitted to be Sold on School Grounds*. Retrieved from

I. *School Wellness Committee (SWC)*

Committee Role and Membership

Guadalupe School will convene a representative School Wellness Committee (SWC) that will meet annually during every school year to establish goals for and oversee school health and safety policies and programs. This will also include any development, implementation, and periodic review to update the school-level wellness policy. The policy will be updated on a tri-annual basis.

Guadalupe School's SWC membership will represent all school levels but not be limited to: Executive Director, Principal, Charter Accountant, Food Service Director, Physical Education Teacher, and a member of the teaching staff.

The Executive Director and Food Service Director will convene the SWC and facilitate development of and updates to the wellness policy, and will ensure the school's compliance with the policy.

The names, titles, and contact information of these individuals are:

Name	Title / Relationship to Guadalupe School	Email address	Role on Committee
Richard Pater	Executive Director	richard.pater@guadutah.org	Advisor
Jodi Key	Food Service Director	jodi.key@guadutah.org	Manages Child Nutrition Program and oversees all related policies
Marnie Bertoch	Principal	marnie.bertoch@guadutah.org	Advisor
Jennifer Medrano	Charter Accountant	jennifer.medrano@guadutah.org	Advisor

PE Coach	Physical Education Teacher	amber.wright@guadutah.org	Advisor

II. ***Wellness Policy Implementation, Monitoring, Accountability and Community Engagement***

Implementation Plan

Guadalupe School will develop and maintain an implementation plan to manage and coordinate the execution of the wellness policy. The plan delineates roles, responsibilities, actions and timelines, as well as specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness.

This wellness policy can be found at www.guadalupeutah.org.

Recordkeeping

Guadalupe School will retain records to document compliance with the requirements of the wellness policy.

Annual Notification of Policy

Guadalupe School will actively inform families and the public each year of basic information about this policy, including its content, any updates to the policy and implementation status via the school website and/or school-wide communications. Guadalupe School will provide information about the school nutrition environment, including a summary of the school's events or activities related to wellness policy implementation. Annually, Guadalupe School will also make the names and contact information of the school officials leading and coordinating the committee available, as well as information on how the families can get involved with the school wellness committee.

Triennial Progress Assessments

At least once every three years, Guadalupe School will evaluate compliance with the wellness policy to assess the implementation of the policy.

The positions/persons responsible for managing the triennial assessment and contact information are: Richard Pater, Executive Director (richard.pater@guadutah.org) and Jodi Key, Director of Child Nutrition (jodi.key@guadutah.org).

Guadalupe School will monitor the school's compliance with this wellness policy.

Guadalupe School will update and publish this policy in the parent handbook and on the school website.

Revisions and Updating the Policy

Guadalupe School will update or modify the wellness policy based on the results of the triennial assessment and/or as the School's priorities change, community needs change, wellness goals are met, new health science, information, and technology emerges, and new Federal or state guidance or standards are issued. The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.

Community Involvement, Outreach and Communications

Guadalupe School is committed to being responsive to community input, which begins with awareness of the wellness policy. Guadalupe School will actively communicate ways to participate in the development, implementation, and periodic review and update of the wellness policy through a variety of means. Guadalupe School will also inform parents of the improvements that have been made to school meals and compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and compliance with Smart Snacks in School nutrition standards. Guadalupe School will use electronic mechanisms, such as email or displaying notices on the school's website, as well as non-electronic mechanisms, such as newsletters, presentations to parents, or sending information home to parents, to ensure that all families are actively notified of the content of, implementation of, and updates to the wellness policy, as well as how to get involved and support the policy. Guadalupe School will ensure that communications are culturally and linguistically appropriate to the community and accomplished through means similar to other ways that Guadalupe School communicates important school information with parents.

Guadalupe School will actively notify the public about the content of or any updates to the wellness policy annually, at a minimum. Guadalupe School will also use these mechanisms to inform the community about the availability of triennial reports.

III. ***Nutrition***

School Meals

Our school is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat; at least 2 varieties of milk offered: fat free and low-fat milk that are moderate in sodium, low in saturated fat, and have zero grams trans-fat per serving (per nutrition label or manufacturer's specification); and to meeting the nutrition needs of school children within their calorie requirements. The school meal programs aim to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns, and support healthy choices while accommodating cultural food preferences and special dietary needs.

All schools within the agency, i.e. preschool through 6th grade, participate in USDA child nutrition programs, including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), Fresh Fruits and Vegetable Program, and the After School Supper Program. These programs:

- Are accessible to all students;
- Are appealing and attractive to children;
- Are served in clean and pleasant settings;
- Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations;
- Promote healthy food and beverage choices using at least ten of the following Smarter Lunchroom techniques:

– Whole fruit options are displayed in an appetizing manner on the salad bar in attractive bowls or baskets (instead of chafing dishes or hotel pans).

– Whole, sliced canned, fresh and/or cut fruit is available daily.

– Daily fruit options are displayed in a sample tray at the beginning of the serving line for all in a location in the line of sight and reach of students(K-6th). Pk is served family style.

– All available vegetable options have been given creative or descriptive names.

– Daily vegetable subgroup options are displayed on the salad bar: dark leafy greens, red/orange vegetables, legumes, starchy and other vegetables in required daily and weekly in accordance to the HHKFA (Healthy Hunger-Free Kids Food Act) are bundled into all grab-and-go meals available to students.

– All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal.

– White milk is placed in front of other beverages in all coolers. Two varieties of milks are offered daily.

– Student surveys and taste testing opportunities are used to inform menu development, dining space decor and promotional ideas.

– Student artwork is displayed in the service and/or dining areas.

– Daily announcements are used to promote and market menu options.

Menus will be posted weekly on the school website and on the cafeteria bulletin board

- Menus will be created and reviewed by the Food Service Director and input to the *Nutrikids* software program, an approved Child Nutrition Software Company.
- School meals are administered by a team of child nutrition professionals.
- Guadalupe School's child nutrition program will accommodate students with special dietary needs. A Doctor's note is required for any special accommodations, and they must be for medical reasons. We can't make accommodations for personal choice.
- Students will be allowed at least 15 minutes to eat breakfast and 20 minutes to eat lunch, counting from the time they have received their meal and are seated.
- Students are served lunch at a reasonable and appropriate time of day.
- Recess will precede lunch time and unstructured physical activity is encouraged beforehand.
- Participation in Federal child nutrition programs will be promoted among students and families to help ensure that families know what programs are available in their children's school.

Staff Qualifications and Professional Development

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements including Food Director Certification from the School Nutrition Association as well as a Federal Serve Safe Certification. Child Nutrition Staff will receive four (4) hours per school year in Child Nutrition Training. All Child Nutrition staff will meet or exceed USDA professional standards for child nutrition professionals. These school nutrition personnel will refer to USDA's Professional Standards for School Nutrition Standards website to search for training that meets their learning needs.

Water

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day. Fresh filtered water is available during all meal service in the cafeteria and throughout the school campus. Guadalupe School will make drinking water available where school meals are served during mealtimes. Each classroom has been equipped with its own sink and drinking fountain where children are encouraged to drink fresh water throughout the day. Drinking water is encouraged for each child after recess and after Physical Education.

Competitive Foods and Beverages

Guadalupe School is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. Because Guadalupe School is a Provision 2 school, all students receive free breakfast, lunch, and a fresh fruit or vegetable snack (3 or 4 times a week). Students enrolled in After School Program are served an Afterschool Supper meal.

Celebrations and Rewards

All foods offered on the school campus will meet or exceed the USDA Smart Snacks in School nutrition standards, including:

1. *Celebrations and parties:* Guadalupe School will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas. Healthy party ideas are available from the Alliance for a Healthier Generation and from the USDA.
.

2. *Rewards and incentives:* Guadalupe School will provide teachers and other relevant school staff a list of alternative ways to reward children. Foods and beverages may be used as a reward periodically, and may not be withheld as punishment for any reason, such as for performance or behavior.

Nutrition Promotion

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs. Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by school staff, teachers, parents, students and the community.

Guadalupe School will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs.

Nutrition Education

Guadalupe School will teach, model, encourage and support healthy eating for all students. The school will provide nutrition education and engage in nutrition promotion that:

- Is designed to provide students with the knowledge and skills necessary to promote and protect their health;
- Is part of not only health education classes, but also integrated into other classroom instruction through subjects such as math, science, language arts, social sciences and elective subjects;
- Promotes fruits, vegetables, whole-grain products, low-fat and fat-free dairy products and healthy food preparation methods;
- Emphasizes caloric balance between food intake and energy expenditure (promotes physical activity/exercise).

Essential Healthy Eating Topics in Health Education

Guadalupe School has included the following essential topics on healthy eating in the health education curriculum:

- Food guidance from MyPlate
- Eating a variety of foods every day
- Balancing food intake and physical activity
- Eating more fruits, vegetables and whole grain products
- Choosing foods that are low in fat, saturated fat, and cholesterol and do not contain trans fat
- Choosing foods and beverages with little added sugars
- Eating more calcium-rich foods
- Preparing healthy meals and snacks
- Accepting body size differences
- Food safety
- Importance of water consumption
- Importance of eating breakfast
- The Dietary Guidelines for Americans
- Reducing sodium intake

IV. ***Physical Activity***

Children and adolescents should participate in at least 30 minutes of physical activity every day while in school.

Physical activity during the school day (including but not limited to recess, classroom physical activity breaks or physical education) should not be withheld as punishment. Guadalupe School will provide teachers and other school staff with a list of ideas for alternative ways to discipline students.

To the extent practicable, Guadalupe School will ensure that its grounds and facilities are safe and that equipment is available to students to be active. Guadalupe School will conduct necessary inspections and repairs.

Physical Education

Guadalupe School will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts (discussed in the "*Essential Physical Activity Topics in Health Education*" subsection). The curriculum will support the essential components of physical education.

All students will be provided equal opportunity to participate in physical education classes. Guadalupe School will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

All Guadalupe School students in each grade, Kindergarten through 6, will receive physical education for at least 1 hour class per week per grade, throughout the school year.

The Guadalupe School physical education program will promote student physical fitness through individualized fitness and activity assessments (via the Presidential Youth Fitness Program or other appropriate assessment tool) and will use criterion-based reporting for each student.

Students will be moderately to vigorously active for at least 50% of class time during most or all physical education class sessions. Additionally, all physical education teachers at Guadalupe School will be required to participate in annual professional development in physical education.

Essential Physical Activity Topics in Health Education

Health education will be required in all elementary grades Guadalupe School will include in the health education curriculum a minimum of 12 the following essential topics on physical activity:

- The physical, psychological, or social benefits of physical activity
- How physical activity can contribute to a healthy weight
- How physical activity can contribute to the academic learning process
- How an inactive lifestyle contributes to chronic disease
- Health-related fitness, that is, cardiovascular endurance, muscular endurance, muscular strength, flexibility, and body composition
- Differences between physical activity, exercise and fitness
- Phases of an exercise session, that is, warm up, workout and cool down
- Overcoming barriers to physical activity
- Decreasing sedentary activities, such as TV watching
- Opportunities for physical activity in the community
- Preventing injury during physical activity
- Weather-related safety, for example, avoiding heat stroke, hypothermia and sunburn while being physically active
- How much physical activity is enough, that is, determining frequency, intensity, time and type of physical activity
- Developing an individualized physical activity and fitness plan

- Monitoring progress toward reaching goals in an individualized physical activity plan
- Dangers of using performance-enhancing drugs, such as steroids
- Social influences on physical activity, including media, family, peers and culture
- How to find valid information or services related to physical activity and fitness
- How to influence, support, or advocate for others to engage in physical activity
- How to resist peer pressure that discourages physical activity.

Recess

Guadalupe School will offer two 15-minute recess periods on all regular school days during the school year.

Outdoor recess will be offered when the weather is feasible for outdoor play. Guadalupe School will have outdoor recess unless the County Health Department declares a red/orange air day or the outside temperature is below 20°F, inclusive of wind chill factors, during storms with lightning or thunder, or at the discretion of the building administrator based on a best judgment of safety conditions. Any student with medical need may stay in for recess.

In the event that the school must conduct indoor recess**,** teachers and staff will follow the indoor recess guidelines that promote physical activity for students, to the extent practicable.

Recess will complement, not substitute for, physical education class. Recess monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible.

Classroom Physical Activity Breaks

Guadalupe School recognizes that students are more attentive and ready to learn if provided with periodic breaks when they can be physically active or stretch. Thus, students will be offered **periodic opportunities** to be active or to stretch throughout the day on all or most days during a typical school week. Guadalupe School recommends teachers provide short (3-5-minute) physical activity breaks to students during and between classroom time at least three days per week. These physical activity breaks will complement, not substitute, for physical education class, recess, and class transition periods.

Guadalupe School will provide resources and links to resources, tools, and technology with ideas for classroom physical activity breaks. Resources and ideas are available through USDA and the Alliance for a Healthier Generation.

Active Academics

Teachers will incorporate movement and kinesthetic learning approaches into “core” subject instruction when possible (e.g., science, math, language arts, social studies and others) and do their part to limit sedentary behavior during the school day.

Guadalupe School will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects by providing annual professional development opportunities and resources, including information on leading activities, activity options, as well as making available background material on the connections between learning and movement.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

V. *Other Activities that Promote Student Wellness*

Guadalupe School will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes.

Guadalupe School staff members are encouraged to coordinate content across curricular areas that promote student health, such as teaching nutrition concepts in mathematics and drug abuse prevention.

All efforts related to obtaining federal, state or association recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complementary of the wellness policy.

All school-sponsored events will adhere to the wellness policy guidelines. All school-sponsored wellness events will include physical activity and healthy eating opportunities when appropriate.

Community Partnerships

Guadalupe School has actively sought relationships with community partners. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

Community Health Promotion and Family Engagement

Guadalupe School will promote to parents/caregivers, families, and the general community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be informed and invited to participate in school-sponsored activities and will receive information about health promotion efforts.

As described in the "Community Involvement, Outreach, and Communications" subsection**,** Guadalupe School will use electronic mechanisms (e.g., email or displaying notices on the school's website), as well as non-electronic mechanisms, (e.g., newsletters, presentations to parents or sending information home to parents), to ensure that all families are actively notified of opportunities to participate in school-sponsored activities and receive information about health promotion efforts.

Professional Learning

When feasible, Guadalupe School will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help Guadalupe School staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing Guadalupe School academic improvement plans and efforts.

Last triannual review: June 18, 2026

PREVENTION AND SAFETY EDUCATION SHALL BE PROMOTED THROUGHOUT THE SCHOOL YEAR.

One time a year for nine weeks each prevention and safety education shall be promoted throughout the school year.

Guadalupe is a tobacco-free school that will adhere to all the rules of the State Health Department. Yearly tobacco interventions shall be introduced to the students and staff by qualified instructors from Health- related Programs i.e. Health Department, Huntsman Institute, American Cancer Society.

A file of suggested activities, speakers and games shall be developed including but not limited to:

- fire safety
- fall and injury prevention
- bike and pedestrian safety
- vehicle safety
- poison prevention
- earthquakes
- household safety
- summer/water safety
- general first aid
- stranger safety
- good touch bad touch
- childhood check-up
- tobacco

1419.2 Tobacco/vaping Policy

Intent: Guadalupe follows the Salt Lake School District's directive to have a tobacco-free school and to guide students and staff who use tobacco/vaping to resources for help. Guadalupe will adhere to all the rules of the school district and the State Health Department. Yearly tobacco/vaping interventions shall be introduced to the students and staff by qualified instructors from health-related programs such as the health department, Huntsman Institute, and the American Cancer Society. Guadalupe recognizes that tobacco/vaping use will harm the physical, academic and social development of tobacco/vaping users. This policy is written to prohibit the use of tobacco/vaping products on or around school grounds.

Rationale: Tobacco/vaping use is still the leading cause of preventable death, disease and disability in the United States. Tobacco use is addictive. Statistics show that most people who use tobacco begin before they reach the age of 18. Many children do not understand the harmful consequences tobacco/vaping use may have. School tobacco education classes have been shown to be an effective means of preventing tobacco use among young children.

Policy:

- Tobacco/vaping use by students, faculty, staff and visitors on or within 1,000 feet of Guadalupe is prohibited. It is also prohibited in school vehicles and at school functions away from the school. Tobacco/vaping use is prohibited on school property during school and non-school hours. Any student caught using or in possession of tobacco or vaping devices will be referred to an administrator and parents will be notified. It is the responsibility of all adults in the building to refer students to a school administrator if they are caught using or possessing tobacco. These students may be referred to a tobacco education class if applicable. Any staff member using tobacco/vaping on school property will be asked to complete an approved cessation class. Visitors who are using tobacco/vaping will be immediately asked to stop.

- Guadalupe prohibits tobacco-product advertising in any form in the school building, at school functions or in school publications. This includes endorsements or sponsorships by any tobacco company.

- Students and staff at Guadalupe are prohibited from wearing clothing that advertises any tobacco/vaping product. Parents and visitors are encouraged to support this policy. Any student or staff member wearing such clothing will be asked to change immediately.

- The sale, delivery or distribution of any tobacco/vaping product by a student, employee, parent or visitor to anyone under the age of 19 is prohibited on Guadalupe's property or within 1,000 feet of school property. If a student or employee is in violation of this policy, the following will occur: the student's parents will be notified and a consequence decided on by the administration which may include a non-smoking education program. The employee will be referred to law enforcement and receive a written warning.

- All students at Guadalupe Kindergarten -6th grade will receive age-appropriate instruction at school regarding avoidance of tobacco/vaping use. Teachers shall incorporate tobacco/vaping use prevention into their health units. Guadalupe will use community resources and the local health department to assist in teaching tobacco prevention.

- Students, if necessary, and staff shall be made aware of approved educational tobacco non-smoking classes to attend either voluntarily or non-voluntarily.

- This policy will be discussed and distributed at the first All Staff meeting of each year. Copies of the policy will be posted in the faculty room and other places in the school. Parents will be informed of the policy at parent/teacher conferences. It will also be posted on the school website. Posted signs at school entrances and other appropriate places in the school will be used to communicate that Guadalupe is a tobacco-free/vaping free school.

ENDORSEMENT OF PRINCIPAL

_____ _____

Principal's Name Principal's Signature

Date: _____

1419.3 Drug and Alcohol Policy

1420 Withdrawal

Withdrawal at the end of the year

The parent of an enrolled student may withdraw the student from Guadalupe for enrollment in another school by:

- Submitting notice of intent to enroll the student in the district of residence for the subsequent year to the student's charter school no later than June 20 of the current school year.
- Submitting notice of intent to enroll the student in another charter school for the subsequent school year to the current charter school of attendance, together with a letter of acceptance from the proposed charter school of attendance, no later than June 30 of the current school year, or
- Obtaining approval from both the charter school of attendance and the school district or charter school in which enrollment is sought, if the parent desires to change the student/s enrollment during the school ear or after June 30

The school shall report to school districts, by the last day in April, May, June, July, and August, the aggregate numbers of new students, sorted by their resident school and grade level, who have accepted enrollment in the school.

1421 Uniform Policy

Section One, General Information

Purpose:

Our purpose is to establish a school where each student gains the scholarly knowledge and skills vital to becoming a self-motivated, lifelong learner and to succeed in this rapidly evolving and complex world. This purpose will be accomplished by using the academically rigorous curriculum, in a context of respect and self-discipline encouraged by extensive parent involvement and limited class sizes. Uniforms assist students in

gaining scholarly knowledge and life skills by creating a safe and orderly classroom environment. Specifically, uniforms:

- Help students concentrate on schoolwork by setting a tone for serious study. Because uniforms are standard attire in most academically rigorous elementary and secondary schools, their adoption signals high academic expectations to students.

- Remove distractions created by socioeconomic differences and shifting fashions.

- Assist administrators, faculty, staff, parents, and students in instantly recognizing intruders.

- Uniforms assist students in the development of discipline and a sense of community.

Specifically, uniforms:

- Build self-esteem, self-respect, and school spirit among students by creating the distinction of being part of an identifiable group.

- Create opportunities for students to develop responsibility through caring for specific items and maintaining their own appearance.

- Generate a positive school image in the community through students' orderly, neat, and characteristic (instantly recognizable) appearance.

Additionally, school uniforms benefit parents by:

- Costing less, on average, (especially when both durability and the reduced number of necessary changes of clothing are factored in) than the typical non-uniform school wardrobe.

- Reducing or entirely eliminating the time required for assisting children with daily selection of clothing and dressing.

Enforcement

The uniform policy will be enforced by the school administrators and staff, and, if necessary, School Board, as outlined in the school's discipline policy.

Opt Out

Except as outlined in the Utah Code Annotated, Section 53A-15-602(8), 1953, as amended 2003, parents may not opt out of uniform wear by their children. Under the Utah Code, the school administrator is allowed, but not required, to grant an exemption from wearing a uniform to a student for extenuating circumstances. The administrator will carefully consider all requests for exemptions, and grant only those which are clearly necessary. (For instance, unusual medical circumstances might constitute a "clearly necessary" situation.) The administrator is directed to develop individual dress guidelines which, insofar as is possible, approximate the

approved uniform for each student who receives an exemption from the uniform due to extraordinary circumstances.

Section Two, Guidelines for All Students

- Students should be in school dress code any time they are on school grounds during the school day, with the exception of PE and recess times.

- Students will not be allowed in class unless their dress adheres to the uniform policy. Parents will be called to bring appropriate clothing or take the student home to get appropriate clothing if students appear at school out of uniform.

- Jewelry should be limited to items that do not distract. Some items that distract: large earrings, multiple bracelets or large bangles, necklaces that is large and/or worn over the shirt/tie.

- Hair should be well groomed and non-distracting. ***Hair may not cover the eyes***.

- Belts should be brown, black or school plaid without decoration.

- Items may be purchased anywhere they may be found. There are multiple vendors for each uniform item. There are various plaid vendors, including French Toast catalog or online, Dennis Uniform, School Belles, Hall's Closet, Academy Attire, target, and Wal-Mart.

- Guadalupe School also provides uniforms in case of emergency or extreme need.

- Guadalupe School plaid is #57. More information is available at the school office.

- Polo style of shirts only. They may be short or long sleeve and white, navy blue or canary yellow in color. Any logo must be smaller than a quarter.

- Sweaters or jackets may be worn in class but must be navy blue and zip or button up. No hoodies.

- Khaki pants must fit the following description: long enough to cover top of shoe, short enough to stay off floor when worn with shoes, worn no more than 2" below waist, no outside pockets (patch pockets) are allowed. Pants must match color of Dockers or Lee khaki (not stone colored). Cargo, painter or corduroy pants/shorts are not allowed.

- Girls may wear navy, black or white full-length leggings with skirts. It is recommended that girls wear bicycle-type shorts under skirts for playground activities.

- If undergarments are visible (t-shirts, etc.) they must be plain white (no lace or patterns).

- Socks or tights are required and must be solid black, brown, navy blue or white in color.

- Shoes must be closed toe and have at a minimum a back strap. Black, brown, navy blue or white dress type or tennis shoes preferred. Laces must be tied and cannot be distracting. No flip flops, sandals, crocs, slippers, light ups or shoes with wheels.

- Hats should not be worn in the school building unless they are part of a special activity that requires hats.

- Visible piercing shall be limited to girls with one piercing in ears only.

- Special uniform allowances and guidelines can be made for extracurricular activities or school events.

- ***The administration reserves the right to determine if any item of clothing is distracting.***

Approved: 3/19/2013

Amended: 10/15/18

Approved:

1500 AUXILARY ORGANIZATIONS ?

1501 Administrative Development Committee

1502 Professional Development Plan

1503 Reading Achievement Plan

1504 School Improvement Plans

1505 School Land Trust Funds

2000 INSTRUCTION

2001 ACADEMIC

Academic Calendar

Each February, the School Administration develops the calendar for the following academic year, and will distribute it to staff for input. In April, the proposed calendar is presented to the Charter Board of Trustees. In April or May, the calendar is distributed to parents. The academic calendar will closely follow the Salt Lake City School District traditional year calendar and will provide for a minimum of 180 days and 990 instructional hours or other days/hours as per current state law and rule. At the beginning of each school year, each family will be given one copy of the Family Calendar for their reference throughout the year. Please request a calendar if you need an additional one.

Philosophy Statement

Student academic achievement is the primary goal of Guadalupe School. We believe that only when students master fundamentals, and are fluent in the basic foundational knowledge of the major disciplines can they move on to effectively express their knowledge and master higher-level skills. Therefore, the foundation of

our instruction will focus on mastery of fundamentals. We define mastery as the ability to demonstrate knowledge and skills repeatedly and accurately. This requires repeated instruction in the subject matter, increasing degree of challenge and considerable practice. As our students master the fundamentals, our instruction focuses on sequential building of conceptual knowledge and promoting independent expression of knowledge. Finally, our instruction focuses on individual internalization of conceptual knowledge, expressed in extensive written work and verbal presentation, preparing our students for advanced study at the high school level. Guadalupe School respects this well-founded, proven educational model and uses it in selecting and implementing the school's curriculum.

Our academic policies support our academic mission and philosophy. An important and vital component of academic achievement is that of organization of student work. Guadalupe School students will be given tools and training that will assist them in becoming independent students and in organizing their school work, thus maximizing the potential for them to succeed.

Organization – Dockets

Each student at Guadalupe School will be issued a docket at the beginning of the first year they are in attendance. Replacement dockets must be purchased from the school office or a cost to the parent of $5.00 for the first replacement and all dockets thereafter would cost $10.00.

1. The Docket will contain several colored file folders representing the following subjects:

    a. Red – language arts or English

    b. Yellow – math

    c. Green – science

    d. Blue – history

    e. Purple – teacher option

    f. Orange – spelling

    g. Beige – Reading University

2. Students will take the Docket home each night and will bring it back to school each day.

3. If students lose or damage their Docket, they will need to purchase a new one from Guadalupe School for their use.

4. One purpose of the docket is to help Guadalupe School implement a "no loose papers" policy. All papers should be placed in the correct file folder inside the docket. In this way, students always have with them what they need – in class and at home. Parents can easily look through a student's docket and get a clear picture of what work is being produced and what areas are being studied, thus allowing them to extend and expand the learning at home.

Learning Plans

1. A learning plan will be issued to each student every week.

2. Teachers write the weeks' lessons, subjects covered, and assignments on the learning plan for the students.

3. ***Parents will review their student's learning plan each night.*** When assignments are completed, parents will initial the learning plan. If a student is unable to finish an assignment, the parent is to circle the assignment

indicating they are aware of the assignment that must be completed. Parents are required to sign the learning plan each week.

4. Elementary teachers will check the learning plan each morning for signatures, and at the end of each day to ensure the student has filled in the subject area boxes correctly and completely.

Homework

It is the hope of Guadalupe School that our students will come to love learning and desire to spend free time studying and reading. To assist our families in developing life-long learners, Guadalupe School has adopted the following policies based upon these principles:

- Homework is an integral part of the education program at Guadalupe School. It is an extension of the classroom lessons and should directly relate to class work. It reinforces skills and concepts that are taught and helps develop good study skills and habits. It also informs parents of what is being taught in the classroom. Some guidelines for the assignment of homework follow:

- Homework is assigned with coordination between teachers and consideration of the importance of child participation in family activities and responsibilities.

- ***A Guadalupe School student should spend time each day studying, whether or not homework is assigned***. If no homework is assigned, students are encouraged to review math facts, read, practice writing, study spelling words, or read a book independently\or with their parents.

Homework Policy:

1. Students will be given homework most weekday evenings. It is our intention that homework given will be appropriate, relevant, interesting and at times, challenging. Homework assigned should not be new material for students, but should be a review, extra practice, or an extension of material already taught in school. Students should be able to complete their homework within the time frames below, with the exception of special projects or ***in cases where the student fails to complete classwork in a timely manner***, or if a student falls behind due to tardy arrivals, absences or failure to attend to learning ***or to use time effectively during the school day***:

Kindergarten – 15 minutes
First grade – 20 minutes*
Second grade – 30 minutes*
Third grade – 40 minutes*
Fourth grade – 50 minutes*
Fifth grade – 60 minutes
Sixth grade – 60 minutes

*These times do not include free reading time. Students should read an additional period of time each evening (at least 15 minutes). In grades 5-6 this time may, but will not always, include free reading time.

2. ***Parents need to provide an environment in the home that will make it possible for students to engage in scholarly pursuits at home on a daily basis***. A successful learning environment contains the following elements:
a. a quiet place to study and complete assignments
b. access to necessary tools (pencils, paper, adequate lighting, resources such as reference books). If parents can't provide any of these items, they should contact the principal of the school.
c. freedom from distractions (TV, video and computer games, distracting music or conversations)

3. ***Guadalupe School recommends that families adopt a "no TV, no Video games" policy Monday through Thursday***. We believe it is in the best interest of our students to spend their free time reading, studying, engaging in physical activities and playing games that are mentally stimulating. Ample research has demonstrated that it is not beneficial for students to watch TV and play video games on a daily basis. Lack of physical exercise is resulting in obesity in epidemic proportions in our country. We encourage our families to provide opportunities for their students to exercise and study during the weekday evenings.

Guadalupe School recommends that families, where possible, establish study time in the early evenings, allowing their students time after school to engage in physical activities. We encourage families to engage in study time together, possibly at a central location such as the kitchen table. Mom and/or Dad can sit and study or complete work of their own while students complete their own work. Family study time works well as parents are close by to act as a resource should the student need it, and also to help keep the student focused on studying. Parents can easily sign the learning plan as assignments are completed.

Guadalupe School recommends that parents review the academic scope and sequence (curriculum maps) received from their student's teacher, then utilize the public library to have educational resources on hand at home that will serve to extend and expand the student's learning on the subjects they are studying at school.

Homework Response Forms: If a parent believes the homework assigned is excessive or if their child is not receiving regular homework, they may fill out a Homework Response Form (available at the school office) and return it to the teacher. Administration will review all response forms.

Academic Communication

A Learning Plan will be provided to each student each week. Students will bring the Learning Plan home in their docket each day. Information regarding schoolwork, activities and homework will be communicated to Guadalupe School families from the teacher to parents each day via the Learning Plan. Learning Plans are a daily communication tool which parents and teachers can use to communicate regarding academic progress. Parents will be required to sign the learning plan weekly.

Academic Performance Standards

Guadalupe School is a "school of choice" with a rigorous academic program.

Guadalupe School's academic program is comprised of three vitally important components:

1. the work and effort of the teachers and staff
2. the work and effort of the students
3. the support of the parents

Our staff and teachers are trained and well prepared to teach our students. They are an experienced, well-trained group of professionals who are enthusiastic about their job in assisting your student as they achieve academically and learn and grow. Most students who attend Guadalupe School are well prepared also, and bring their own enthusiasm and love of learning to school with them each day.

However, if a teacher is not putting forth sufficient effort to enable the students to achieve mastery in their content area, the administration is committed to rectifying this through staff development, coaching and training. If the teacher, after the remedies have been implemented, continues to be unsuccessful in working at the level required, they will be dismissed.

Likewise, the students at Guadalupe School bear much responsibility with regard to exerting effort and completing assigned work so that they can benefit fully from the excellent academic programs of Guadalupe School. We believe that it is the responsibility of the school to provide effective organizational systems, positive motivation, excellent teachers and relevant, interesting curriculum for each student so that they can achieve academic success. We are confident that working together, all students can achieve this success.

We recognize that parental support is vital to student achievement. Guadalupe School parents commit to support the learning process by ensuring their student has time each day for studying, a place at home to study, by checking the learning plans daily, ensuring on-time arrival and minimizing absences, and engaging in positive communication to address questions, concerns or provide feedback.

We recognize that we cannot control student effort, participation, and work or parental participation. We feel it is our duty to provide all the tools necessary, and do all we can to motivate students to succeed. ***Ultimately, we recognize that student effort is controlled by the student and motivated by the parent, and after all we can do, academic success will not be the result if the student and/or parent is unwilling to do their part.***

If a student consistently fails to participate in the Guadalupe School academic program, or if their parent fails to honor the Acceptance of Policy, the School Administration may recommend to the Charter Board that they meet with the family to discuss their student's enrollment status. The Charter Board will hold a meeting with the family to discuss the areas of concern. Any of the following and other violations of the Acceptance of Policy or other school policies may result in a Charter Board hearing:

1. Students who fail the academic course of study as a result of lack of effort.
2. Students who display willful noncompliance as evidenced by failure to turn in consecutive assignments or participate in class work.
3. Parents who are unwilling to review and sign the learning plan each week for students, and who fail to ensure their student completes assignments.

School Promotion Policy

Students must meet minimum criteria for promotion each year. Teachers may automatically recommend a student for promotion only if the student meets the following criteria:

1. Student passed all subjects three quarters of the year with at least a C grade.
2. Student attended school a minimum of 160 days (less than 21 absences).
3. Student passed at least the lowest level of the skills classes – reading and mathematics – for their grade level.
4. Student has not been suspended during the school year.

Teachers may not recommend for promotion any student who does not meet the above criteria. The Student Promotion Advisory board, comprised of the student's teacher(s) and school administration, will review all relevant documentation (for each student not recommended for promotion) regarding the student's performance, including but not limited to: grades, attendance, academic achievement records including

assessments, work product, and learning plans. The Student Promotion Advisory Board will make a determination if the student qualifies for promotion to the next grade. In order to recommend promotion, the Student Promotion Advisory Board will ensure that in their estimation and utilizing concrete data the student demonstrates sufficient skills and content knowledge to be successful at the next grade level. If, in their best estimation, the student does not demonstrate sufficient skills and content knowledge (as evidenced by grades, test scores and other evaluative measures including but not limited to those listed above) to be successful at the next grade level, the student will not be recommended for promotion and **parents will be notified in writing or in person regarding the student's promotion status. At this point in time, a plan for remediation will be suggested (which usually includes work to be completed over the summer) OR the student will be offered a seat in the current grade for the subsequent year on a space available basis. If the remediation plan is carried out successfully, the Student Promotion Advisory Board may, at that time, approve promotion for the student.**

2002 Assemblies and Special Programs

School assemblies and special programs will be held for students. Assemblies and special programs are scheduled for a variety of purposes aimed at educating, entertaining, and recognizing contributions to the school. Assemblies will also be used to unify students in support of team programs and individual performances. Students are expected to behave respectfully during these occasions. Students will remain in attendance until formally dismissed by their teacher.

2003 Special Education Students

Guadalupe's student population includes students who require Special Education instruction. In accordance with R277-750, Guadalupe provides services to a student with a disability. The classroom teachers of these students need to be aware of their needs and their Individual Education Plan (IEP). An IEP outlines the student's specific needs and accommodations for testing, instruction, one-on-one help, etc. The Special Education teacher creates an IEP for each qualifying student in collaboration with the student, their parents, and the regular classroom teacher as necessary. Once the IEP is created, the Special Education teacher meets with the student's teacher to review the needs and plans of the Special Education student. Teachers are legally responsible to accommodate the needs of the Special Education student based on their IEP.

2004 Use of Media and Entertainment

Videos and DVDs may play an important supplementary role in classroom instruction, but should not be used as the main medium of instruction. In order to facilitate the intellectual growth of all students, teachers are expected to integrate a variety of teaching mediums in the classroom.

The Principal must pre-approve any video, DVD, or movie that is shown in the classroom or any other school-related function whether on or off-campus. When choosing music, movies, Internet content, and other forms of mass media or entertainment, staff must make certain that the content is educationally appropriate and relevant to what is being taught in the classroom. Additionally, media choices must not contain objectionable content. Movies which are labeled as Not Rated, G, or PG are generally considered acceptable; however, even within these bounds, teachers must utilize sound judgment of appropriateness within the classroom. Movies rated PG-13 or R and above are not acceptable.

Educational software/cable networks must be school approved and used under the direction of staff who are supervising the computer or TV where the software/programs are being used.

3000 STUDENTS AND PARENTS

3100 ACTIVITIES

3101 Class Parties

In-class celebrations may be held prior to the winter break, spring break, end of the school year, and/or as dictated by the curriculum. Individual birthday celebrations will be at the discretion of each teacher.
Utah State Law prohibits students from consuming “homemade” food in a classroom setting. All foods must be store bought and packaged. Students should not bring treats, candy, goody bags, etc. to school at any time unless specifically assigned by the classroom teacher. Teachers will advise students of any allergies/food limitations prior to the food assignments being scheduled.

At the discretion of the faculty, Halloween may be observed at the school by allowing students the opportunity to dress up in costume. Clothes may be worn under costumes when appropriate. The regular academic school day schedule will be observed with an in-class party held at the end of the school day.

Students must adhere to the following guidelines when wearing Halloween costumes to school:

- No masks
- No blood or gore
- No weapons

Students who do not adhere to these guidelines will be asked to remove the part of the costume which is not in compliance. If this is not possible, a parent will be called to pick up the child.

3102 Daily School Operation

School for first through sixth grade begins each day at 8:00 a.m. School is dismissed at 2:45 p.m. Monday, Tuesday, Thursday and Friday, and at 1:30 p.m. on Wednesday.

3103 Field Trips and Educational Enhancement Opportunities

Introduction:

The purposes of this Board policy are to help ensure the safety of all students, staff, and volunteers; to provide the guidelines for school field trips; and to help lower the school’s liabilities by reducing risks.

Board Policy – The Guadalupe Charter School Board of Trustees recognizes student field trips as being a legitimate part of school activities. Field trips will be properly planned and conducted according to the approved procedures and policies.

Definitions:

Educational Field Trip – A field trip occurs when students leave school grounds for an activity that is part of a school sponsored program, to include curriculum related study or an extension of classroom instruction. The field trip must be relevant to the curriculum and provides an educational experience for the student that is beyond the regular classroom.

Non-Educational Field Trip – These field trips are not an extension of the school’s curriculum.

Sponsor – The teacher or school employee/staff requesting permission for a field trip and responsible for its planning, organization, and supervision.

Student Participation:

No student may be excluded from participating in an educational or non-educational day field trip due to the following: inability to pay, a need for health services, or a documented disability.

A student may be excluded from the field trip upon request of the parent/guardian. The student may also be excluded for a reason(s) that is communicated to the student and parent/guardian in advance of the field trip or the student fails to return a signed permission slip. All student exclusions require approval by the charter school principal.

Field Trip Requirements:

Request Field Trip: The *School-Related Student Trip Request Form* is to be completed and submitted to the charter principal per the date requirements listed on the form. The sponsor of the field trip will contact the Head Bus Driver on the availability of school busses and the Food Services Manager prior to submitting the request to the principal.

Administrative/Charter Board Approval: The principal has the authority to approve day field trips that are within 150 miles of Guadalupe School and recurring day field trips (same activity on a regular basis). The Executive Director has the authority to approve field trips that exceed 150 miles from Guadalupe School. Charter Board approval is required on field trips that are overnight/extended days and includes approval from the charter school Principal and the Executive Director.

Parent/Guardian Consent: Prior to the field trip, a parent/guardian must provide in writing, *School-Related Student Trip Permission Slip and Medical Release Form,* giving permission for their child to participate in the field trip. The consent documentation will be maintained at the school.

Transportation Regulations and Approval: When school busses are used for transportation, the Head Bus Driver will be contacted to make sure busses are available on the date of the field trip. A passenger list is to be maintained by the field trip sponsor, bus operator, and Principal. Transportation for field trips may be provided by a Guadalupe School bus, common carrier, or students may walk to and from the field trip destination. Common carrier may include motor coaches, public transportation and school buses owned by other vendors.

Supervision and Volunteers: A member of the charter school instructional staff or administrator must accompany students on the field trip.

Transporting by Private Vehicle Guidelines: Any private vehicle transporting students shall have a driver who is at least 21 years old. When a private vehicle is used to transport students, the owner of the vehicle must submit, prior to the field trip, an Employee Auto Insurance Affidavit or a Volunteer Auto Insurance Affidavit to the Guadalupe School office. If a parent/guardian transports only their own child, the Affidavit is not required.

Transporting by Bus Guidelines: The following rules are to be followed when a school bus is used for transporting students on a field trip:

- Obtain approval from the head bus driver on the availability of a school bus prior to submittal of the field trip request to the charter school principal.
- School buses need to return no later than 2:00 pm when field trips are taken during a regular school day unless prior approval is received from the charter school principal.
- All passengers must be given emergency evacuation instructions prior to departure of the vehicle.

- Prior to departure, a passenger list must be given to the driver of the vehicle and the principal. The trip's sponsor is to maintain in their possession throughout the trip a passenger list with emergency contact numbers.
-

Supervision and Chaperones

Staff and chaperones must exercise control over the students during the full field trip. The trip sponsor will develop procedures that will be followed to provide for regular accounting of students during the trip. The principal will review the procedures with the trip sponsor and grant approval prior to the trip. **Note: A field trip is an extension of Guadalupe School and the actions of students and chaperones are to exhibit and display excellence.**

The trip sponsor, with the approval from the Principal, shall establish the proper ratio of supervisors to students based on a case by case evaluation of each field trip. The recommended minimum supervision ratio should be approximately 1 adult to 10 students. Volunteer chaperones are **required** to meet the following:

- At least 21 years old
- Acceptable criminal background check
- Physically able to do the job
- Ability to work well with student and trip sponsor(s)
- Ability to follow the instructions of the trip sponsor(s)

Administrative Field Trip Review

Field trips provide valuable educational benefits. There are hazards in off-site situations that can expose students to hazards that are not present in the normal school environment. As a result it is important for administrators to carefully review and monitor field trips to ensure that risks and potential school liability are minimized.

THE CHARTER SCHOOL PRINCIPAL WILL COMPLETE THE FOLLOWING ON FIELD TRIP REQUESTS:

- Ensure the sponsor considers the various aspects of the field trip and completes all sections of the ***Student Field Trip Request Form*** and identifies for educational field trips how the activity relates to the curriculum.
- Determine the appropriateness of the activities for the students' age, skill and behavior level
- Assist the sponsor with specific field trip risk identification
- Review any related contracts
- Review with the sponsor how supervision of students will be followed
- Give administrative approval for the trip, submit trip request to Executive Director.
- Discuss with the trip sponsor any procedures or conditions that need to be observed.

Teachers' Responsibility

- Field trips shall be related to the course of study; teacher's lesson plans, and has educational value.
- Teacher(s) shall complete the ***Student Field Trip Request Form*** and submit it to the Charter School Principal for approval.

- Prior to the trip the teacher shall prepare the students by:

    1. Explaining the purpose of the trip.
    2. Developing background and reference materials, including materials to be used on the trip, if applicable.
    3. Pointing out highlights to observe on the trip.
    4. Instructing students to observe safety precautions while on the bus and while at the field trip destination.
- Students shall not be denied the trip because of an inability to pay.
- The teacher shall secure written prior permission for the trip and a medical release form from each student's parent(s) or guardian.
- Prior to the trip, a list of students taking the trip shall be provided to the Charter School Principal.

Student Accident Insurance

Through the Utah Division of Risk Management Guadalupe School provides accident insurance for all students and this insurance provides medical coverage during the school day and while the student is participating in any school sponsored activity, including school sponsored field trips. The Board's accident insurance policy is **secondary** to the students' primary health insurance.

Overnight/Extended Days Field Trip

The Guadalupe Charter School Board will consider on a case by case review request for field trips that are overnight/extended days field trip. Dates for non-educational field trips should be outside the school's instructional school calendar. Dates for educational field trips may include up to 5 instructional days with full agenda and rational for the trip. The request for an overnight/extended day's field trip must be submitted to the Charter Board 45 calendar days prior to the trip.

Field Trip Emergencies

The supervising faculty member will maintain with them during the field trip a list of students and chaperones with their emergency contact numbers. Contact will be made as soon as possible to a parent/guardian and the school when emergency conditions develop, such as injury or illness. An injury report will be completed by the supervising teacher upon completion of the field trip.

Travel to Foreign Countries

The Guadalupe Charter Board **will not** approve student travel to a foreign country.

Privately Sponsored Field Trips

A privately sponsored trip, involving school aged students, **IS NOT** associated in any manner with Guadalupe School or the Guadalupe Charter Board of Education. No school funds will be used in a privately sponsored trip and the name of the school will not be used in any promotional material.

Student Field Trip Request Form

Trip Destination(s): _____

Date(s) of Trip: _____

Departure Time: _____ am/pm Return Time: _____ am/pm

Trip Sponsor(s): _____ Grade Level(s): _____

Number of Students: _____ Number of Chaperones_____ (1chaperone:10 students)

Trip Type (check one)

a. Educational: _____ (*Trip is relevant to the Utah Core Curriculum*)

b. Non-Educational Field Trip_____ (*Trip is not an extension of the curriculum*)

Purpose of the field trip: An Educational Field Trip requires explanation of how the trip relates to the curriculum.

_____
_____
_____
_____
_____
_____

Activities planned during the trip: A detailed itinerary must be attached.

_____
_____
_____
_____
_____
_____

Potential Hazards: _____Yes _____No Does the field trip involve in/or around water, remote locations, animals, air travel or motorized activities? If yes, please describe the conditions:

_____
_____
_____
_____

_____
_____

Means of travel: School bus(s)_____ Head Bus Driver Signature: _____

Child Nutrition Director Signature: _____

Prior to submittal of request to Charter Principal, the trip sponsor needs to obtain signature of head bus driver.

Other: _____ Explain: _____

Overnight trip: Submit travel request a minimum of 45 calendar days prior to the overnight trip. Board approval is required.

Trip budget approval: The budget and financing of the trip will be reviewed and approved by the Charter School Principal. No student may be excluded from participating due to an inability to pay.

Sponsor's Signature: _____ Date: _____

Administrative Approval

Charter School Principal has the authority to approve day field trips within 150 miles of Guadalupe School.

Charter School Principal's Signature: _____

Date Approved: _____

The Executive Director has the authority to approve any field trip beyond 150 miles of Guadalupe School.

Executive Director's Signature: _____

Date Approved: _____

Overnight trips require prior Charter Board approval and recommended by the Charter Principal and the Executive Director.

Charter Board Chair/Designee Signature: _____

Date Approved: _____

GUADALUPE SCHOOL

PARENT PERMISSION SLIP FOR FIELD TRIP

Name of Student*:* _____

Name of Parent/Guardian_____

Address: _____*Phone:* _____

I, the parent or guardian of the above-named student, gives my permission for my child to participate in the field trip described as follows:

Date of trip: _____

Departure Time: _____ Return Time: _____

Destination and activities:

Medical Information and Release

The following special health problems concerning my child should be noted – if none please check "none";

□ Heart condition □ Allergy (specify below whether food, bee sting, etc.) □ Asthma

□ Hemophilia □ Diabetes □ Other □ None

Describe condition noted above with particularity, including any medications or other instructions:

_____
_____
_____

In the event of a medical emergency, I hereby authorize the teacher/chaperone attending to my student on the trip to secure medical attention or hospitalization for my child.

Child's physician: _____Physician's Phone Number_____

Preferred Hospital_____

Parent/Guardian contact numbers: (home): _____ (work): _____

Alternative emergency contact: _____Relationship to child_____

I understand the Guadalupe School does not provide medical insurance for my child for purposes of this trip, and I am solely responsible for providing such insurance and for payment of any medical treatment expenses for my child that are not covered by insurance.

I have read the information, verifying its accuracy, and agree to the statements made above:

Parent/Guardian Signature: _____ Date:_____

3104 Food

Kindergarten through sixth grade students and ELC children are provided with free meals including breakfast and lunch. Morning three-year-old preschool students are provided free breakfast and a snack; four-year-old preschool students are provided free lunch and a snack.

All food shall be consumed in the cafeteria, unless special circumstances apply. Classrooms may be used under certain circumstances as specified by administration. Students are expected to behave politely and converse quietly while eating lunch. No shouting, horseplay, or food throwing is allowed. Students who do not follow these guidelines will be subject to established discipline policy. Each student will be responsible to leave his/her eating space neat and clean. Prior to all students being dismissed from the lunchroom, the students are expected to ensure that no food or garbage has been left on the table or the floor.

Families who have children with special dietary needs, such as a food intolerance or food allergies, should notify the school of such conditions. The school will work with the family and then make a determination as to how to accommodate that child's individual needs. The school will put forth its best efforts to mitigate possible risks associated with the condition.

By order of the Board of Health, only commercially prepared items may be brought to school from home.

Guadalupe is a Provision III school; therefore, all new students will be required to show proof of income.

3105 Library Policy

The Guadalupe library will be open from 8:30 a.m. – 4:00 p.m., on all school days (generally, Monday–Friday).

Each student will be allowed to have a total of two books/items checked out at any given time. For each returned book, a new book may be checked out for a maximum of two books. Check out time for a book is for a period of seven days. Students may be allowed additional check out time (renewal period) of one week if they are still reading their books or using them for a school project as appropriate. Students are allowed one renewal period per book.

Students are responsible for the books/items they have checked out. If a book/item is not returned by the due date and is not renewed it will be considered overdue. An overdue notice will be sent home with the student on a weekly basis until the book/item is returned or replaced.

If a student has one or more books/items overdue, no additional items may be checked out until the book/item has been returned, replaced or paid for. If a book or item is not returned or replaced, library privileges will continue to be denied for the current school year or the upcoming school year until the items are replaced, paid for, or returned.

Some books and items, including but not limited to reference material and periodicals, are not available for check out. Books not eligible for check out are determined by the school librarian.

All books and items are to be returned to the library by May 30 of each school year. Books and items will be available for checkout at the beginning of the next school year.

No food or drink is allowed in the library.

All volunteers must be trained prior to working in the library.

Access to the school library is a privilege for students. This privilege can be denied to any student whose behavior is disrespectful to the library staff and/or the library materials

53G-5-405. Application of statutes and rules to charter schools.

(1) A charter school shall operate in accordance with its charter agreement and is subject to this public education code and other state laws applicable to public schools, except as otherwise provided in this chapter and other related provisions.

(2) (a) Except as provided in Subsections (2)(b) and (2)(c), state board rules governing the following do not apply to a charter school:

(i) school libraries;

(ii) required school administrative and supervisory services; and

(iii) required expenditures for instructional supplies.

(b) A charter school shall comply with rules implementing statutes that prescribe how state appropriations may be spent.

(c) If a charter school provides access to a school library, the charter school governing board shall provide an online platform:

(i) through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials, either using an existing online platform that the charter school uses or through a separate platform; and

(ii) (A) for a charter school with 1,000 or more enrolled students, no later than August 1, 2024; and

(B) for a charter school with fewer than 1,000 enrolled students, no later than August 1, 2026.

(3) The following provisions of this public education code, and rules adopted under those provisions, do not apply to a charter school:

(a) Section 53E-4-408, requiring an independent evaluation of instructional materials;

(b) Section 53G-4-409, requiring the use of activity disclosure statements;

(c) Sections 53G-7-304 and 53G-7-306, pertaining to fiscal procedures of school districts and local school boards;

(d) Section 53G-7-1202, requiring the establishment of a school community council; and

(e) Section 53G-10-404, requiring annual presentations on adoption.

(4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter school is considered an educational procurement unit as defined in Section 63G-6a-103.

(5) Each charter school shall be subject to:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

(6) (a) A charter school is exempt from Section 51-2a-201.5, requiring accounting reports of certain nonprofit corporations.

(b) A charter school is subject to the requirements of Section 53G-5-404.

(7) (a) The State Charter School Board shall, in concert with the charter schools, study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt.

(b) (i) The State Charter School Board shall present recommendations for exemption to the state board for consideration.

(ii) The state board shall consider the recommendations of the State Charter School Board and respond within 60 days.

3106 Playground

Guadalupe will provide appropriate playground supervision for its students. The school will provide two staff members while children are on the playground.

Supervised school times include 15 minutes prior to the start of school, recess, P.E. time if applicable, and other specified school-sponsored activities. During the school day, students are not permitted to use playground equipment at any time that is not designated as supervised play time, including while waiting for rides after school.

Guadalupe does not assume responsibility for accidents on the playground, including those involving non-students, during unsupervised times of the day and during non-school days.

During supervised playground time, students must not:

- Play outside the fenced perimeter or other designated play area at the discretion of the supervising adult.
- Leave the designated area without the knowledge or permission of the supervising adult
- Play in landscaped areas or tree beds
- Play with, throw, remove, or destroy playground mulch
- Play with sticks, rocks, or any other sharp or dangerous object
- Throw rocks, dirt, or other objects not intended for throwing
- Throw snowballs or ice
- Climb on fences, dumpsters, basketball standard, light poles, buildings, ladders, etc.
- Wrestle, hit, kick, push, shove, or engage in any other physically aggressive activity that could harm other students
- Engage in games that are unkind, demeaning, or abusive to other students. When playing games, students are encouraged to include all students who are interested in participating.

Students who disobey playground rules will be subject to established discipline policy. The supervising adult should not send a misbehaving student back into the school building unsupervised. The supervising adult should not send a misbehaving student directly to the
office, the Principal, or Executive Director unless there has been a severe infraction of playground rules, repeated occurrences of misbehavior, or blatant disrespect for the supervising adult, other students, or the playground rules.

3107 Recess

Recess provides the time that all students want and need during the day to engage in self-directed activity. All students will have a 15-minute recess in the morning and an additional recess prior to their daily lunch time. During recess, all students are to remain in the designated playground area. All students are expected to follow the playground rules and respect the authority of the supervising adult(s).

3200 CONDUCT

3201 Attendance and Absence – Child Programs

According to the Utah Compulsory Attendance Laws (53A-11-101) every school age child must be in school. Attendance in class is a vital and integral part of the educational process. Parents and legal guardians are responsible for their child's regular school attendance. Students are expected to remain in school on all scheduled days. These include those days before and after scheduled school vacations. The school encourages 100% attendance and will recognize students who have achieved 100% attendance during a given month, at "100 days of school," and at the end of the school year.

In accordance with R277-607-3: (1) An LEA governing board:

(a) shall create and review an LEA attendance policy that:

(i) outlines attendance expectations with language and definitions consistent with Title 53G, Chapter 6, Part 2, Compulsory Education;

(ii) provides for school level procedure making; and

(iii) provides an appeals process to contest:

(A) a notice of truancy;

(B) a notice of compulsory education; or

(C) any disciplinary actions taken against a student pursuant to an LEA's attendance policy;

(b) shall publicize the LEA's attendance policy and appeals process through:

(i) LEA and school websites;

(ii) handbooks;

(iii) letters to parents; and

(iv) other reasonable means of communication;

(c) shall support institutional efforts to promote regular attendance and address chronic absenteeism and truancy issues for school-age children enrolled in the LEA, in accordance with Subsection 53G-6-206(3) and Section 53G-9-804; and

(d) may enlist the assistance of community agencies and organizations for early intervention and habitual truancy services, in accordance with Section 53G-8-211.

(2) An LEA shall annually report the following data separately to the Superintendent:

(a) absences with a valid excuse; and

(b) absences without a valid excuse.

According to R277-419-5, LEA shall conduct school for at least 990 instructional hours over a minimum of 180 school days each year.

The following definitions apply:

- "Absence" is a student's non-attendance at school for one or more consecutive school days.
- "Extended Absence" is an absence that is longer than one day, not to exceed ten school days.
- "Truancy" is an unexcused absence.

An "Excused Absence" is an absence from school for one or more of the following reasons:

- Illness.
- Medical appointments.
- Death of family member or family friend.
- Family related absence, not to exceed one school day.
- Pre-approved extended absence.
- Unforeseen extenuating circumstances as determined by the school's principal.

If a student is absent, parents need to:

- Call the main school number, 801-531-6100, to give a reason for the absence;
- Send a note when the student returns;
- **Notify school early (before 7:00 a.m.) so the bus driver will not pick up the student**;
- Notify school when it is okay for the bus driver to again begin picking up the student.

In accordance with R277-607, If the above guidelines for attendance are not followed, the school will take the following truancy prevention actions:

- If the student's attendance drops below 95%, parent will be contacted by phone by the teacher. The teacher will remind parent of the attendance policy. If there are issues that are causing the absences, the school will try to offer services or resources to help.
- If the student's attendance drops below 90%, the parent will again be contacted by phone.

If the student's attendance does not improve within two weeks,

- The parent will be asked to meet with the teacher and the Principal to find a way to solve the problem.

If the problem continues,

- Parents need to be aware that lack of regular attendance in school for all school age children is a misdemeanor and that Guadalupe will take the necessary steps to ensure compliance to the law.

3202 Bullying, Cyber Bullying, Harassment, Hazing and Retaliation Policy

Purpose

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

This policy is designed to prohibit and address bullying, cyber-bullying, hazing, retaliation, and abusive conduct involving Guadalupe School students and employees, in compliance with Utah law. The school is committed to fostering a safe, respectful, and civil environment conducive to learning and in alignment with its mission for all, regardless of age, gender, or legal status..

- This policy applies to all students, school employees, coaches, and volunteers.
- It prohibits the defined conduct on school property, at school-related or sponsored events, and while traveling to or from such events.

- The school also prohibits the defined conduct at any time and location if it substantially interferes with a student's educational experience or the school environment.

School officials have the authority to discipline students for off-campus speech that causes or threatens a substantial disruption on campus or school activities, including violent altercations, or a significant interference with a student's educational performance and involvement in school activities. If after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code Ann. 53A-11-904 and in accordance with the U.S. Department of Education Office for Civil Rights, loss of participation in extracurricular activities, and/or probation. If after an investigation, a school employee is found to have violated this policy, the employee shall be disciplined by appropriate measures up to, and including, termination.

II. Definitions

- **Abusive Conduct**: Verbal, nonverbal, or physical conduct of a parent, guardian, or student directed toward a school employee that, based on its severity, nature, and frequency, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress. A single act does not constitute abusive conduct.
- **Action Plan**: A process to address a verified incident.
- **Bullying**: An intentional act by a school employee or student against another that a reasonable person would know or foresee will cause physical or emotional harm, property damage, or fear of such harm; create a hostile environment due to pervasiveness or a power differential; or substantially interfere with a safe school environment. This includes intentional conduct regardless of whether the person targeted consented.
- **Cyber-bullying**: Using electronic communication (Internet, cell phone, etc.) to send or post text, video, or images with the intent or reckless disregard that the content will hurt, embarrass, or threaten an individual.
- **Federally protected class:** Any group protected from discrimination under federal law.
    - Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin.

    - Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.
    - Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with • Disabilities Act of 1990 prohibits discrimination on the basis of disability.
    - Other areas included under these acts include religion, gender identity, and sexual orientation.
- **Hazing**: An act that endangers the mental or physical health or safety of a student or employee, or subjects them to extreme mental stress or humiliation, for the purpose of initiation or as a condition for membership in a school-sponsored team, club, or event.
- **Incident**: A verified case of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
- **Parent:** A student's legal guardian
- **Retaliation**: An act or communication intended as retribution for reporting bullying or hazing, or to improperly influence an investigation.
- **School:** Any public elementary or secondary school
- **School Board:** The local charter board
- **School Employee**: An individual working in an official capacity as a teacher, staff member, administrator, or a person employed by the school who works on campus.
- **Verification**: When an alleged incident has been substantiated through a formal investigation.
- **Volunteer:** a person working under direct supervision of a licensed educator.

III. Prohibited Conduct and Reporting

The following actions are prohibited and will not be tolerated on school property, school related/sponsored evident, on a school bus, at a school bus stop, or while a school employee or student is traveling to or from one of the previously identified locations:

- Bullying, cyber-bullying, hazing, retaliation, and abusive conduct.
- Making a false report of any of the above behaviors.
- Sharing recordings of bullying, cyber-bullying, hazing, abusive conduct, and retaliation to encourage or impact future incidents.

Students and employees must promptly report any prohibited conduct. Employees who receive a report must immediately report it to the Principal or their designee. The Principal or their designee will investigate all allegations, with formal disciplinary action not permitted based solely on an anonymous report.

Any bullying, harassing, or hazing that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to compliance regulations from the Office for Civil Rights

---

IV. Investigation Process

The Principal or a trained designee will investigate all allegations. Upon opening an investigation, the Principal or a trained designee will notify parents of the students involved in the alleged incident by phone or in person that an investigation was opened.

- **Confidentiality**: Interviews will be kept confidential to the extent allowed by law.
- **Methodology**: Investigations shall involve interviewing the alleged subject and the alleged offender. The investigator may interview witnesses, parents, school staff familiar with the involved students, and other relevant individuals. Investigators may review physical and electronic evidence like video, audio, emails, texts, and social media, consistent with search and seizure laws. The investigator may also review student disciplinary records.
- **Civil Rights**: The investigation will determine if an incident constitutes a civil rights violation.
- **Law Enforcement**: The school will report incidents to law enforcement if it's determined that criminal law may have been violated.

Upon conclusion of an investigation, the school will inform parents/guardians verbally and in writing to provide the outcome of the investigation and information appeal options.

V. Action Plan and Consequences

If an incident is verified, an **action plan** will be created and implemented. The school may not change the student's educational schedule, placement, or participation in school-sponsored activities as part of the action plan for a student who was subjected to the incident. The plan will include:

- **Communication**: A plan to regularly update parents on the implementation of the action plan.
- **Restorative Justice**: With parental consent, the school may offer restorative justice practices for students involved.
- **Response to the Student Subjected to the Incident**:
    - The action plan will provide a tailored response to address the student's needs, including
        - Supportive measures to preserve access to educational services. The plan may not change the student's education schedule, placement, or participation in school sponsored activities
        - Accommodations to decrease exposure to the student who caused the incident.
        - Notification of the plan to address the behavior of the student who caused the incident.
        - Access to other parental requested resources.
- **Response to the Student Who Caused the Incident**:
    - The action plan will address the determined cause of the incident based on the findings of the investigation and provide any needed resources, along with tailored consequences that preserve educational access while protecting others' wellbeing.
    - In the event of a student's actions compromises safety or creates a substantial disruption to school operations, an emergency removal from school may be warranted. The school principal will evaluate the situation and determine based on the available facts if the student and school would be best served for an emergency, and temporary suspension from school. Upon the conclusion of a thorough investigation and a finding of the facts, the Principal may seek a permanent removal through the expulsion process documented in our student handbook.
    - Parents may appeal none or more of the consequences included in the action plan by petitioning the school's Executive Director.

The school will take strong, responsive action against retaliation and assist students and their parents in reporting subsequent incidents. All communication and progress will be noted on the incident report in Educator's Handbook

Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include but are not limited to:

- student suspension or removal from a school-sponsored team or activity including school sponsored transportation;
- student suspension or expulsion from school or lesser disciplinary action;
- employee suspension or termination for cause or lesser disciplinary action;
- employee reassignment; or
- other action against a student or employee as appropriate.

Compliance with the Office for Civil Rights when Civil Rights Violations Occur:

- Once Guadalupe School knows or reasonably should know of possible student-on-student bullying, cyber-bullying, harassment or hazing, the school must take immediate and appropriate action to investigate or otherwise determine what occurred.

- If it is determined that the bullying, cyber-bulling, harassment or hazing occurred as a result of the student-victim's membership in a protected class, Guadalupe School shall take prompt and effective steps reasonably calculated to: end the bullying, cyber-bullying, harassment, or hazing eliminates any hostile environment, and prevents its recurrence.

These duties are Guadalupe School's responsibilities even if the misconduct also is covered by a separate anti-bullying policy and regardless of whether the student makes a complaint, asks the school to take action, or identifies the bullying, cyber bullying, harassment or hazing as a form of discrimination. Actions must also include, as appropriate:

- procedures for protecting the victim and other involved individuals from being subjected to:
    - further bullying, cyber bullying, harassment, or hazing, and
    - retaliation for reporting the bullying, cyber bullying, harassment, or hazing.
    - prompt reporting to law enforcement of all acts of bullying, cyber bullying, harassment, hazing, or retaliation that constitute suspected criminal activity.
    - prompt reporting to the Office for Civil Rights (OCR) of all acts of bullying, cyber bullying, harassment, hazing, retaliation that may be violations of student(s)' or employee(s)' civil rights.
    - procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline.
    - procedures for providing due process rights under Section 53A-8-102 (licensed staff) and local employee discipline policies prior to employee discipline or Section 53A-11-903 and local policies (students) prior to long term (more than 10 day) student discipline.

VI. Parental Notification and Records

The Principal or a designated employee will notify a student's parents or guardians in a timely manner if their child threatens suicide or is involved in an incident.

- **Suicide Threats**: If a student threatens suicide, parents will be notified and provided with suicide prevention materials and information on how to limit the student's access to fatal means. At parent request, School Administration or Social Work team member may provide information or make recommendations related to an incident or threat of suicide.
- **Cyber-bullying**: Parents will receive information and resources on the healthy use of social media and online practices if a student is involved in a cyber-bullying incident. Additionally, the school will provide parents with training and resources on digital literacy and cyberbullying annually.
- **Recordkeeping**: The school will maintain a record that verifies parent notification and tracks the implementation of the action plan. These records will be expunged when the student graduates from high school, upon the student's request.

VII. Training

In accordance with 53G-9-606-607, the school will provide training to students, employees, coaches, and volunteers on bullying, cyber-bullying, hazing, abusive conduct, and retaliation, including applicable civil rights laws and when discipline may be considered.

The training is offered before any student, employee, or volunteer participates in clubs and to new school employees, coaches, and volunteers within the first year of employment and all school employees, coaches, and volunteers at least once every three years following.

- This training will address:
    - How bullying, cyber-bullying, hazing retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination
    - How bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon the students' or employees' actual or perceived. characteristics including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes and the right of free speech and how it differs for students, employees, and parents.
    - Complement the suicide prevention program, school policies, and school discipline plans which shall provide direction on dealing with bullying.
    - Informing student athletes of prohibitions and consequences regarding bullying
    - Civil-rights violations including training and education specific to bullying based upon students' actual or perceived identities, and conformance or failure to conform to stereotypes. Training on civil rights violations will include compliance when civil rights violations are reported.
    - Awareness and intervention skills such as social skills training.

- **Frequency**: Training for new employees, coaches, and volunteers will occur within the first year of employment. All employees, coaches, and volunteers must be trained annually.
- **Liaison**: The Principal or a designee will be the school's liaison to the USBE and will oversee training and action plans. (53G-9-607)
- **Data Review:** The Behavior Leadership Team will review all incidents reported to Educator's Handbook monthly and assess the prevalence of bullying , specifically locations where students are unsafe and additional supervision may be required. Any findings will be documented and referred to the Principal.
- **Response to Data:** Based on a review of data, the school may implement programs and initiatives regarding bullying prevention which may involve establishing a bullying task force or the involvement of employees, students, or law enforcement.

VIII. Policy Distribution and Reporting

- **Distribution**: This policy will be posted on the school's website and included in student and employee handbooks.
- **Signed Statement**: In accordance with 53G-9-605, the school will require a signed statement of receipt from employees, students at least eight years old, and parents/guardians on an annual basis.
- **Annual Reporting**: The school will annually report to the USBE, including a copy of this policy, proof of signed statements, proof of employee training, and demographics of individuals subject to bullying.

IX. Grievance and Appeals Process

Students: Students and their parents or guardians have a right to an appeals process if they disagree with a consequence included in a verified action plan. The grievance process for students and parents or guardians is as follows:

- If a student or their parent/guardian disagrees with the school's investigation or the resulting action plan, they may file a formal grievance.

- The grievance must be submitted in writing to the Principal within a reasonable timeframe after being informed of the investigation's conclusion and the action plan's details.
- The Principal will review the grievance and may hold a meeting with the parent/guardian to discuss their concerns.
- If the issue is not resolved, the grievance can be escalated to the school's Charter Board for a final review. The Board's decision is considered final.

Staff: School employees who have experienced abusive conduct have a separate grievance process to address their concerns.

- An employee who has experienced abusive conduct must report the incident to the Principal.
- If the employee is not satisfied with the Principal's investigation or the resulting disciplinary action, they can address the issue in accordance with the school's established Staff Grievance Policy.
- This policy provides a clear procedure for employees to raise concerns and seek a resolution.

R277-217-3. Required Conduct for an Educator.

An educator shall:

(1) comply with all federal, state, and local laws;

(2) maintain a professional educator/student relationship, including by:

(a) treating a student with dignity and respect by promoting the health, safety and well being of students; and

(b) maintaining appropriate verbal, emotional and social boundaries;

(3) take prompt and appropriate action to stop, mitigate, and prevent harassment or discriminatory conduct toward a student or school employee that the educator knew or should have known may result in a hostile, intimidating, abusive, offensive, or oppressive environment;

(4) take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, safety, or learning;

(5) report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602;

(6) cooperate in providing all relevant information and evidence to the proper authority in the course of an investigation by a law enforcement agency or by the Division of Child and Family Services regarding potential criminal activity, except that an educator may decline to give evidence against himself or herself in an investigation if the evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;

(7) take appropriate steps to notify a student's parents and refer a student to appropriate prevention services if a student threatens suicide or self harm as required by Subsections 53E-9-203(7) and 53G-9-604(2);

(8) provide truthful, accurate, and complete information in:

(a) licensing, transfer, and employment applications or other documentation;

(b) evaluations of the educator, other educators, or students;

(c) proceedings related to educator licensure, employment, or related benefits;

(d) student IEP plans and related special education documentation;

(9) be forthcoming with truthful, accurate, and complete information to an appropriate authority regarding known educator misconduct that could adversely impact performance of a professional responsibility, by another educator;

(10) notify the Superintendent at the time of application for licensure of:

(a) current investigations involving professional misconduct in another jurisdiction;

(b) prior licensing disciplinary action in another jurisdiction; and

(c) past criminal convictions;

(11) report an arrest, citation, charge or conviction to the educator's LEA in accordance with Section R277-217-4;

(12) conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with LEA policy;

(13) follow an LEA's fiscal policy for collecting money in connection with a school activity, accounting for all money collected, and not commingling LEA or school funds with personal funds as described in Rule R277-113;

(14) demonstrate honesty and integrity by strictly adhering to all state and LEA instructions and protocols in managing and administering a standardized test to a student consistent with Section 53E-4-312 and Rule R277-404; and

(15) use supplemental materials consistent with LEA policy as required by Subsection 53G-4-402(26).

R277-217-5. LEA Reporting of Misconduct to UPPAC.

(1) An LEA shall notify UPPAC if an educator is determined pursuant to a judicial or administrative proceeding, or internal LEA investigation, to have violated the educator standards described in Sections R277-217-2 and R277-217-3.

(2)(a) A district superintendent or a charter school director, or their respective designees, shall notify UPPAC and the educator of any allegation from a parent that an educator's conduct violated Sections R277-217-2 and R277-217-3 within 30 days of receiving the allegation.

(b) The Executive Secretary shall record an allegation received under Subsection (2)(a), but shall defer further investigation pending the LEA's determination of possible LEA discipline.

(c) The Executive Secretary shall classify allegations received under Subsection (1) or Subsection (2)(a) as private under Subsection 63G-2-302(2)(d).

(3) For each allegation referred to UPPAC under Subsections (1) and (2)(a), an LEA shall notify UPPAC of:

(a) the findings of the LEA's internal investigation or administrative proceedings;

(b) criminal charges filed by a prosecuting agency;

(c) the LEA's internal disciplinary action or decision not to take action, and the evidence supporting the decision; and

(d) any evidence that may be relevant if UPPAC chooses to investigate the matter.

(4) The Executive Secretary shall provide a form for an LEA to make a notification required under Subsections (1) and (2).

(5) Upon submitting a notification under Subsection (1) or (2), an LEA may make a recommendation to the Executive Secretary concerning whether an investigation by UPPAC would be appropriate under the circumstances, taking into account any employment action taken by the LEA, but the LEA's recommendation is not binding on UPPAC, which shall make its own independent determination consistent with Section R277-211-3

53G-10-206. Educational freedom.

(1) As used in this section:

(a) "Administrative personnel" means any LEA or state board staff personnel who have system-wide, LEA-wide, or school-wide functions and who perform management activities, including:

(i)

(A) developing broad policies for LEA or state-level boards; and

(B) executing developed policies through the direction of personnel at any level within the state or LEA.

(ii) "Administrative personnel" includes state, LEA, or school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, directors, executive directors, network directors, cabinet members, subject area directors, grant coordinators, specialty directors, career center directors, educational specialists, technology personnel, technology administrators, and others who perform management activities.

(b) "Instructional personnel" means an individual whose function includes the provision of:

(i)

(A) direct or indirect instructional services to students;

(B) direct or indirect support in the learning process of students; or

(C) direct or indirect delivery of instruction, training, coaching, evaluation, or professional development to instructional or administrative personnel.

("Instructional personnel" includes:

(ii) (A) the state board, LEAs, schools, superintendents, boards, administrators, administrative staff, teachers, classroom teachers, facilitators, coaches, proctors, therapists, counselors, student personnel services, librarians, media specialists, associations, affiliations, committees, contractors, vendors, consultants, advisors, outside entities, community volunteers, para-professionals, public-private partners, trainers, mentors, specialists, and staff; or

(B) any other employees, officials, government agencies, educational entities, persons, or groups for whom access to students is facilitated through, or not feasible without, the public education system.

(2) (Each LEA shall provide an annual assurance to the state board that the LEA's professional learning, administrative a functions, displays, and instructional and curricular materials, are consistent with the following principles of) individual freedom:

(i) the principle that all individuals are equal before the law and have unalienable rights; and

(the following principles of individual freedom:

(ii) (A) that no individual is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of the individual's race, sex, or sexual orientation;

(B) that no race is inherently superior or inferior to another race;

(C) that no person should be subject to discrimination or adverse treatment solely or partly on the basis of the individual's race, color, national origin, religion, disability, sex, or sexual orientation;

(D) that meritocracy or character traits, including hard work ethic, are not racist nor associated with or inconsistent with any racial or ethnic group; and

(E) that an individual, by virtue of the individual's race or sex, does not bear responsibility for actions that other members of the same race or sex committed in the past or present.

(b) Nothing in this section prohibits instruction regarding race, color, national origin, religion, disability, or sex in a manner that is consistent with the principles described in Subsection (2)(a).

(3) The state board or an LEA may not:

(a) attempt to persuade a student or instructional or administrative personnel to a point of view that is inconsistent with the principles described in Subsection (2)(a); or

(b) implement policies or programs, or allow instructional personnel or administrative personnel to implement policies or programs, with content that is inconsistent with the principles described in Subsection (2)(a).

(4) The state board and state superintendent may not develop or continue to use core standards under Section 53E-3-301 or professional learning that are inconsistent with the principles described in Subsection (2)(a).

3203 Bus Transportation

The school provides bus service in the boundaries of 17th South, 7th East, residential city limits to the West and North. Students must be ready and waiting for the bus. A parent or a responsible adult must be home when the bus returns the child after school. Bus drivers will drop off and pick up students at the address on file unless notified otherwise.

Parent must send a note or call the school if there is a change in student's pick-up or drop-off address. Bus drivers cannot accept a child's verbal instruction or request regarding bus schedules. For consistency in schedules, pick up and drop off address changes should only be given in case of an emergency.

If a student misses the bus more than two times in a row without parent notifying the school, defined as a "no show," bus service will stop. Bus service will resume after parent has called the school.

If a family moves during the school year (preschool through sixth grade), the school will continue to provide transportation as long as the family lives within the school's bus boundaries. Should a family move outside these boundaries, the student may continue enrollment at Guadalupe School as long as the family provides transportation.

Bus Rules

All students will be expected to:

- walk quickly and quietly to assigned seat.
- keep seat belt hooked at all times.
- stay in his/her seat until bus stops.
- use indoor voice.
- keep hands, feet, mouth and objects to himself/herself.

If a student does not comply with the rules outlined above, the school will take the following action:

- A warning by the bus driver if child's behavior is not appropriate.
- On the third warning the bus driver will talk to parent and request that the bus rules be reviewed with the child.
- If behavior continues, parent will be called by an administrator and child may lose
- transportation privileges.

(Refer to Attachment 3203A for school boundaries located at the end of this section.)

3204 Discipline Code

School/Classroom Management Procedures

Guadalupe student management policy is designed to improve future performance and make sure a safe learning environment is maintained. Below are the behavioral expectations and consequences for acceptable and unacceptable behavior.

School, Classroom, Lunch Room, and Bus Rules and Procedures for Consequences

Guadalupe staff have discussed and agreed upon the rules listed below. To encourage students to make positive choices, rewards and privileges will be given. For example, children who follow the rules will be rewarded with positive verbal reinforcement, good phone calls to parents, and notes home. The following rules apply to all

students in the school, classrooms, lunch room, and buses (for specific bus rules see Sec 3203 Bus Transportation):

- Listen to and follow directions.
- Keep hands, feet, mouth and objects to yourself;
- Be where you are supposed to be;
- Do not bring inappropriate items from home;
- Use indoor voices in the building and on the bus/vans.

Teachers will provide their individual classroom management plan at registration.

When a child does not follow one of the rules above the immediate actions that will be taken include:

- Positive reinforcement to the children who are on task;
- Telling the noncompliant child what he/she is doing (describing the behavior);
- Showing the child what he/she can do (modeling the behavior that is expected).
- Stating the choices the child has to correct their behavior;
- The noncompliant child will be removed from the situation by a staff member until the child's behavior changes enough to return to the situation.

If a student does not comply with the expectations outlined above and/or the individual

classroom plan, the school will attempt to resolve the problem through the following steps:

Step 1- Parent/Guardian Notification: This may be written and/or verbal. Educators, Principal, or any other supervising adult may give this notification. Notification may require parent signature and/or a conference with the referring adult. Notification will include the inappropriate behavior of the student and the consequence given by the school as outlined in the student handbook.

Step 2- Principal Intervention & Parent/Guardian Notification: This will include a mandatory meeting with the Principal, the parent/guardian, the student and/or any other involved parties. This meeting will be held for the purpose of all parties involved to have an opportunity to discuss the situation. If necessary, interventions will be mutually planned to improve the behavior. The plan must include the intervention, consequence if the behavior continues, reward if the behavior ceases, and an appropriate time frame for the students to improve their behavior.

Step 3- Bring Community Resources into the Intervention: After appropriate intervention and allowing sufficient time for behavior changes to be made, if there is still evidence that the student continues to need intervention, a team meeting of the Principal, parent/guardian, student, and other parties as determined by the team will meet. Community resources will be identified that may have an expertise that can better meet the needs of the student and educator. A new behavior plan will be established.

Step 4- After following the behavior plan for a mutually agreed time frame, if the team identifies evidence that the student still is unable to control behavior, they may make the recommendation that there is a more appropriate place for the student to succeed.

3205 Electronic Devices

R277-495. Electronic Devices in Public Schools.
R277-495-1. Authority and Purpose.

(1) This rule is authorized by:
(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;
(c) Subsection 53G-8-202(2)(c)(i), which directs the Superintendent to develop a conduct and discipline policy model for elementary and secondary public schools; and
(d) 47 CFR, Part 54, Children's Internet Protection Act, which requires schools and libraries that have computers with internet access to certify they have internet safety policies and technology protection measures in place to receive discounted internet access and services.
(2) The purpose of this rule is to direct all LEAs and public schools to adopt policies, individually or collectively as school districts or consortia of charter schools, governing the possession and use of electronic devices including:
(a) both LEA-owned and privately-owned, while on public school premises or during participation in school activities; and
(b) for LEA-owned devices, wherever the LEA-owned devices are used.

R277-495-2. Definitions.
(1) "Acceptable use policy" means a document stipulating constraints and practices that a user shall accept prior to a user accessing an LEA's, or any school within an LEA's, network or the Internet.
(2) "Electronic device" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including:
(a) a smart phone;
(b) a smart or electronic watch;
(c) a tablet; or
(d) a virtual reality device.
(3) "Guest" means an individual:
(a) who is not a student, employee, or designated volunteer of a public school; and
(b) who is on school property or at the site of a school-sponsored activity or event.
(4) "Inappropriate matter" means pornographic or indecent material as defined in Subsection 76-10-1253(1)(a).
(5) "LEA" includes for purposes of this rule, the Utah Schools for the Deaf and the Blind.
(6) "LEA-owned electronic device" means a device that is used for audio, video, text communication, or other type of computer or computer-like instrument that is identified as being owned, provided, issued or lent by the LEA to a student or employee.
(7) "Policy" means an electronic device use policy as required by this rule that contains:
(a) permissible uses of an electronic device under certain circumstances; or
(b) restricted uses of an electronic devices under certain circumstances.
(8) "Privately-owned electronic device" means a device, including an electronic device that is used for audio, video, text communication, or other type of computer or computer-like instrument that is not owned or issued by the LEA to a student, or employee.
(9) "Public school" means a school or public school program, grades kindergarten through 12, that is part of the Utah public school system, including a school with a distance learning program or alternative program.
(10) "Student," for purposes of this rule, means an individual enrolled as a student at an LEA regardless of the part-time nature of the enrollment or the age of the individual.
(11)(a) "The Children's Internet Protection Act (CIPA)" means federal regulations enacted by the Federal Communications Commission (FCC) and administrated by the Schools and Libraries Division of the FCC.

(b) CIPA and companion laws, the Neighborhood Children's Internet Protection Act (NCIPA) and the Protecting Children in the 21st Century Act, require recipients of federal technology funds to comply with certain Internet filtering and policy requirements.
(12) "Utah Education Telehealth Network or UETN" means the Utah Education and Telehealth Network created in Section 53B-17-105.

R277-495-3. Requirement of Electronic Device Use Policy, Creation, and Access.
(1) An LEA shall require all schools under the LEA's supervision to have a policy or policies for students, employees and, where appropriate, for guests, governing the use of electronic devices on school premises and at school sponsored activities.
(2) An LEA shall review and approve policies regularly.
(3) An LEA shall encourage schools to involve teachers, parents, students, school employees, school community councils, and community members in developing the local policies.
(4) An LEA shall provide copies of the LEA's policies or clear electronic links to policies at LEA offices, in schools and on the LEA's website in the same location as the LEA's data governance plan required in R277-487.
(5) An LEA and all schools within the LEA shall cooperate to ensure that all policies within a school or school district are consistent and accessible to parents and community members.
(6) An LEA shall provide reasonable public notice and at least one public hearing or meeting to address a proposed or revised acceptable use policy.
(7) An LEA shall retain documentation of the policy review and adoption actions.

R277-495-4. LEA Electronic Device Policy Requirements.
(1) An LEA's policy shall include at least the following:
(a) definitions of electronic devices covered by policy;
(b) prohibitions on the use of electronic devices in ways that:
(i) bully, humiliate, harass, or intimidate school-related individuals, including students, employees, and guests, consistent with R277-609 and R277-613; or
(ii) violate local, state, or federal laws;
(c) the prohibition of access by students, LEA employees and guests to inappropriate matter on the internet and world wide web while using LEA equipment, services, or connectivity whether on or off school property;
(e) directives on the safety and security of students when using social media and other forms of electronic communications;
(f) directives on unauthorized access, including hacking and other unlawful activities by a user of an LEA electronic device; and
(g) directives on unauthorized disclosure, use and dissemination of personal student information under R277-487 and the Family Educational Rights and Privacy Act (FERPA)34 CFR, Part 99.
(2) In addition to the requirements of Subsection (1), an LEA's policies for student use of electronic devices shall include directives regarding the following:
(a) the use of privately-owned electronic devices during standardized assessments;
(b) administrative penalties for misuse of electronic devices during school hours or at a school-sponsored;
(c) violations of an LEA's acceptable use policies that may result in confiscation of LEA-owned electronic devices or restricted access on the LEA's;
(d) a student's personal responsibility for devices assigned or provided to a student by the LEA, both for loss or damage of electronic devices and use of electronic devices consistent with the LEA's directives;
(e) use of electronic devices in violation of an LEA's or teacher's instructional policies may result in the confiscation of privately-owned electronic devices for a designated period; and

(f) uses of privately-owned electronic devices to bully or harass other students or employees during school hours or at school-sponsored activities that may result in the student being subject to LEA disciplinary action.
(3) In addition to the provisions of Subsections (1) and (2), directives for employee use of electronic devices shall include:
(a) notice that use of electronic devices to access inappropriate matter on LEA-owned electronic devices or privately-owned electronic devices on school property, at school-sponsored events or using school connectivity may have criminal, employment or student disciplinary consequences, and if appropriate, may be reported to law enforcement;
(b) notice that an employee is responsible for LEA-issued electronic devices at all times and misuse of an electronic device may have employment consequences, regardless of the user; and
(c) required staff responsibilities in educating minors on appropriate online activities, as required by Section 53G-7-1202, and in supervising such activities.
(4) An LEA's policies shall also include the following:
(a) prohibitions or restrictions on unauthorized use that would cause invasions of reasonable expectations of student and employee privacy;
(b) procedures to report the misuse of electronic devices; and
(c) potential disciplinary actions toward students or employees for violation of local policies regarding the use of electronic devices; and
(d) exceptions to the policy for special circumstances, health-related reasons and emergencies, if any.
(5) An LEA shall certify annually through UETN, and as required by the FCC, that the LEA has a CIPA-compliant acceptable use policy.

R277-495-5. Required School Level Training.
(1) A school shall provide, within the first 45 days of each school year, a school-wide or in-classroom training to employees and students that covers:
(a) the contents of the school's policy;
(b) the importance of digital citizenship;
(c) the LEA's conduct and discipline related consequences as related to a violation of the school's policy;
(d) the LEA's general conduct and discipline policies as described in Section 53G-8-202; and
(e) the benefits of connecting to the Internet and utilizing the school's Internet filters, while on school premises.
(2) A school that adopts a permissible use policy shall:
(a) within the first 45 days of each school-year, provide school-wide or in-classroom training to employees and students that covers:
(i) the elements described in Subsections (1)(a) through (e); and
(ii) specific rules governing the permissible and restricted uses of personal electronic devices while in a classroom; and
(b) require that each educator who allows the use of a personal electronic device in the classroom clearly communicates to parents and students the conditions under which the use of a personal electronic device is allowed.

R277-495-6. Resources and Required Assurances.
(1) The Superintendent may provide resources, upon request, for an LEA regarding electronic device policies, including:
(a) sample acceptable use policies;
(b) general best practices for electronic device use as outlined in R277-922; and
(c) materials for digital citizenship as outlined in Section 53G-7-1202.
(2) An LEA shall post the LEA's electronic device use policy on the LEA's website and provide a link to the Board through the annual assurances document described in R277-108.

R277-495-7. LEA Requirement to Notify Parents of Filtering Options.
An LEA shall provide an annual notice to all parents of the location of information for in-home network filtering options as provided for in Section 76-10-1231.

3206 Harassment

All students have the right to participate in all school activities without being subjected to conduct that is discriminatory, humiliating, demeaning, offensive or embarrassing. Harassment refers to sexual harassment, as well as ethnic, religious and general harassment.

Sexual harassment includes an unwelcome sexual advance or sexual behavior, including verbal behavior, which is tied to or interferes with a student's educational benefits, opportunities or performance; or, a student's physical or psychological well-being; or, that is intimidating.

Furthermore, sexual harassment consists of requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication that has the purpose or effect of substantially or unreasonably interfering with an individual's education or creating an intimidating, hostile or offensive educational or social environment on school property or at any school sponsored or related event or activity.

A student shall not engage in unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to a person's sex, race, color, national origin, religion, height, weight, marital status, sexual orientation, or disability, i.e. sexual or racial comments, threats, or insults, unwanted touching, etc.

Sexual harassment may include but is not limited to:

- Verbal harassment or abuse
- Subtle pressure for sexual activity
- Inappropriate patting or pinching
- Intentional brushing against another person's body
- Any sexually motivated, unwelcome touching
- Obscene gesture/s
- Written or graphic harassment or abuse

Ethnic intimidation and harassment may include but is not limited to:

- Slurs or verbal references
- Gestures
    - Any behavior which tends to demean, humiliate, intimidate and/or threaten others on the basis of race, ethnic group or nationality

Religious and general harassment may include but is not limited to:

- Slurs or verbal references
- Gestures
    - Any behavior which tends to demean, humiliate, intimidate and/or threaten others on the basis of creed, religion, or personal characteristics.

Student should report incidences of harassment to the Executive Director with any supportive evidence that is available. The Executive Director will examine the evidence and, if merited, speak directly to the person

alleged to have harassed the complainant. If proven, the Executive Director will initiate the defined disciplinary process. This process may include:

- Having the offender sign a contract regarding appropriate behavior, and/or
- Referring the offender to an outside agency, and/or initiate suspension/expulsion procedures

Disciplinary action will be commensurate with the behavior and the developmental level of the student.

3207 Safe School Policy

School Guidelines and Procedures

Behaviors and conduct engaged in by students that are in violation of the Guadalupe Charter School Safety Policy vary in range of severity and danger. As such, many issues are best handled at the school level while more serious situations that pose imminent danger may need to be investigated by law enforcement.

A. Violation Screening – the witness of the incident will:
   a. Adhere to school policy
   b. If possible, direct the student/s engaged in unsafe conduct to stop the behavior
   c. Inform all necessary personnel – teacher of the student/s involved,

      Director of the Charter School

   d. Identify the purpose of the infraction (i.e. threat, retaliation, defense)
      -If it is determined that there is **no** violation, the student/s return to regular activity in a safe manner

      -If it is determined that there **is** a violation complete step e

   e. Provide a detailed written description of the incident
      1. Determine if the incident did or did not create imminent danger
         i. Imminent danger is defined as:
            - appearance of threatened and impending injury which would lead a reasonable person to attempt instant defense
            - something which is threatening to happen at once, something close at hand, something which is close, although not yet touching, or on the point of happening
      2. Determine if the incident displays frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior

B. If imminent danger is a factor –
   a. Director of the Charter School will contact the student's parent/guardian
   b. All parties involved will meet to determine a plan for remedial discipline
   c. Include an appropriate law enforcement referral and case number

C. If imminent danger is not a factor –
   a. Provide appropriate consequences according to school rules
   b. Implement interventions to assist the student in conforming to school/classroom expectations/rules (example include but are not limited to: in-school suspension, behavior contract, in-class time-out, parent conference, referral to support staff)

-

R277-436, 53E-3-509 Gang Prevention and Intervention

School faculty and personnel are trained to recognize early warning signs for youth in trouble.

- School faculty and personnel shall be trained by experienced evidence-based trainers that may include community gang specialists and law enforcement as part of comprehensive strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior
- Faculty and personnel shall report suspected gang activity to school administrator and law enforcement.
- Gang members are barred from extracurricular activities.
- Gang-related graffiti or damage to school shall result in parent/guardian notification

3208 School-wide Discipline

***Purpose* – to foster a safe and positive environment for learning.**

Equity

Fair and just treatment of students, staff and community members is the cornerstone of the educational framework at Guadalupe School. Achieving equity means individual differences are valued; high expectations are held for all; instruction occurs in inclusive environments; diversity is recognized and appreciated; and discriminating, stereotyping, and bias are not accepted.

Guadalupe School believes that all students should be provided with equitable opportunities to learn and flourish. At Guadalupe School we believe that all students can learn and must have full opportunity to learn in an intentionally inviting, academically rigorous atmosphere. We are committed to effecting change in student performance by providing an appropriate school curriculum, quality instruction, a safe and caring school climate, ongoing teacher education, and frequent parent involvement in order to ensure that all students are provided with equitable opportunities to learn.

The final outcome of effective and equitable instruction must be achievement of students which enables them to be active, thoughtful participants in a rapidly changing society. This vision includes:

- High expectations for all students
- Equitable access to rich curriculum content
- High quality instruction in all classrooms
- Sensitivity to equity issues by teachers and administrators
- Knowledgeable educators who use inclusive practices
- Policies that support and facilitate equity.

Student Discipline Procedures and Guidelines

The Executive Director, Charter School Principal, and Charter School Board will develop a school discipline policy that contains expected behavior standards for students in the classroom as well as on the school grounds. The Principal will review school discipline rules and policies with the instructional staff, the Executive Director, students and parents, and Charter School Board every spring.

In accordance with Utah State Code Section 53G-8-301(4) and Board Rule R277-608

Guadalupe School follows specific guidelines and adheres to behavioral policies to ensure the appropriate handling of any situation that would place students, staff or patrons in danger. Any student removed from school for a reason or condition that threatens his/her welfare or the welfare of others shall be released to the parent, the parent's representative, or other proper authority, including, but not limited to, law enforcement officers and medical personnel. If the parent cannot be notified prior to the removal, the parent shall be notified as soon as possible after the removal and informed of the reasons for it. Disciplinary records shall be made available to parents and students. Suspension and expulsion records are part of the student's record and shall be transferred with student records.

Prohibition of Corporal Punishment

Corporal punishment is strictly prohibited within Guadalupe, in full compliance with Utah law.
Legal Basis: Under **Utah Code § 53G-8-302**, school employees are expressly **forbidden** from inflicting corporal punishment—defined as the intentional infliction of physical pain as a disciplinary measure—on any student. Reasonable and necessary physical restraint is allowable only under specific circumstances such as obtaining a weapon, protecting individuals, preventing violence, or safeguarding property.

Criteria and Procedures for Behavior Reduction Interventions

- **Supported Framework:** Interventions must be grounded in federal and state law, including approaches such as de-escalation, PBIS, and functional behavior assessments (FBA).

- **Emergency Safety Interventions (ESI):** Allowed only when a student poses immediate danger to self or others, and only after less restrictive options have failed. (See Utah Admin Code **R277-608-3 and R277-608-5** for specifics on permitted interventions like seclusion or physical restraint and necessary safeguards)

As per State Code Section 53G-8-301(4) and USBE Board Rule R277-608-4, teachers may not use physical restraints or seclusion without the proper training and parent notification. The policy outlined below, will be evaluated annually by the Charter Principal and the Emergency Safety Intervention Committee (ESI Committee).

1. Use of Physical Restraint Key identified school employees may use reasonable and necessary physical restraint only: In self-defense; or As otherwise legally permitted under State Code Section 53G-8-301(4). Emergency Safety Interventions (ESI) shall not be used in place of appropriate less restrictive interventions.

2. Definition of Key Identified School Employees "Key identified school employees" are staff who: Regularly interact with students in settings where ESI may be required, Are designated by school administration, and Receive ongoing, comprehensive ESI training as required by Board Rule R277-608-4(2).

A key identified school employee is defined as a staff member designated by the school or district administration who is reasonably expected to be involved in the implementation, oversight, or response to Emergency Safety Interventions (ESI). These employees are required to receive ongoing comprehensive training as outlined in Subsection R277-608-4(2). Such personnel may include, but are not limited to special education and general education teachers working with students with behavioral needs and may include paraprofessionals assigned to the classroom where ESI may be necessary

Key identified school employees shall be trained to ensure safe, legal, and appropriate use of ESI, as well as adherence to all required procedures, documentation, and post-incident protocols. These individuals are the key school employees who are responsible for any ESI as determined as reasonable and necessary for self-defense or otherwise appropriate per State Code Section 53G-8-301(4).

3. Procedures for the Use of ESI When the use of Emergency Safety Interventions is deemed necessary, the following procedures shall be followed:

A. Observation The student must be under continual visual and auditory observation by a trained adult throughout the ESI, per R277-608-5(12)(d).

B. Release Criteria The intervention must end immediately once the student no longer presents an immediate danger to self or others or when a less restrictive intervention becomes effective.

C. Documentation A detailed written account of the incident shall be recorded, including: Antecedents, behavior, duration, staff involved, and student response.

D. Notification to Administration School administration must be notified as soon as possible following any use of ESI, per R277-608-5.

E. Notification to Parents/Guardians Parents or guardians must be informed on the same day the ESI is used, with written notification provided within 24 hours, per R277-608-5.

F. Debrief A debriefing meeting will occur with relevant staff, and when appropriate, the student and parent/guardian, to evaluate the incident and determine preventative strategies.

G. Reporting All ESI incidents must be reported in accordance with state and local education agency (LEA) requirements.

4. **Training of Key Identified Staff** A Foundational Behavior Support and Safety Care training is required for all school employees who supervise students or may assist in managing student behavior..

All employees will be required to be trained yearly in a foundational behavior professional learning every year.

Seclusion as an Emergency Safety Intervention (ESI) Policy

In accordance with Utah Board Rule R277-608

Before any use of **seclusion** as an Emergency Safety Intervention (ESI), Guadalupe LEA must have in place the following **written policies and procedures**, which apply to students in **grade 1 or higher**:

1. Authorized Use of Seclusion **Seclusion may** only **be used when a student's behavior poses an immediate danger of serious physical harm to self or others; and after the less restrictive interventions have been attempted and determined ineffective in the situation:**Seclusion **shall not** be used for disciplinary purposes, staff convenience or as a substitute for appropriate behavior supports.

2. Authorized Staff

Only **key identified school employees** who have completed state-required training in ESI, de-escalation, and behavior intervention. The Charter administrator is authorized to make the decision to use secludion and supervise its implementation.

3. Monitoring Procedures

When a student is placed in seclusion, it must be under constant visual and auditory supervision by a trained adult. The supervising staff member must ensure that the student's physical and emotional safety is continuously monitored and the space used for seclusion must be safe, appropriate, and unlocked, allowing immediate staff entry.

4. Time Limitations

Seclusion must be **as brief as possible** and must end immediately when the student no longer poses a threat to self or others, or a less restrictive intervention becomes effective. No student may be secluded for longer than 30 minutes without additional administrative review and documentation.

5. Continuous Review During Seclusion

The decision to continue seclusion must be **immediately and continuously reviewed** by the upervising staff member. If the situation extends beyond 10 minutes, a school administrator must be contacted to assist in evaluating continued necessity. All reviews must prioritize the least restrictive and safest option for the student.6. Documentation Requirements

Each incident of seclusion must be fully documented and parents/guardians notified by the end of the school day on which the seclusion occurred. Documentation must include the behavior that led to the use of seclusion, a description of less restrictive interventions attempted prior to seclusion, start and end time of the seclusion, and the staff involved in the seclusion. Any observational notes made during the seclusion must be included in the documentation.

7. Record-Keeping Requirements

All documentation related to seclusion must be retained in the student's behavioral or disciplinary file in accordance with state and federal privacy laws (e.g., FERPA) and reviewed regularly by the ESI committee to monitor patterns or concerns. These records are available for review by the administration and legal authorities upon request.

8. Debriefing

Following any use of seclusion, a **debriefing process** is required and must include staff members involved in the incident and witnesses to the incident. The student who was secluded if able to participate and the parent/guardian.

The purpose of debriefing is to review the effectiveness and necessity of the intervention and identify alternative strategies to revent future incidences.

The policy must be reviewed annually by LEA leadership and communicated to all school staff through training and written procedures and made available to parents/guardians upon request.

Rights and Responsibilities

All students and staff have a right to learn and teach in a safe, intentionally inviting, caring and respectful environment in order to achieve their maximum potential academically, socially, emotionally, and ethically. Any behavior that is demeaning, lessens self-respect, and esteem, or limits the student's ability to learn or the teacher's ability to teach will be considered a violation of personal rights.

It is inappropriate to improperly touch, pinch, write offensive messages, make obscene gestures, or bring inappropriate print/pictures to school.

Personal responsibility and respect for self and others is central to good citizenship, thus:

- You have the right to personal respect and a safe environment in this school and on its grounds.
- You have the right to be protected from offensive and demeaning comments or behavior.
- You have the right to report any type of harassment or bullying immediately to school authorities.
- You have the right to learn in a quiet, cooperative place where you can work and think.
- You have the responsibility to treat others in a kind, understanding, and caring way.
- You have the responsibility to conduct yourself in a way that will enable others to learn.

General Expectations and Procedures in Classroom:

- Respect and use school property, materials and equipment appropriately.
- Walk and talk quietly inside the school building.
- Dress appropriately.
- Attend class, be on time, and follow teachers posted classroom rules.
- Follow School-wide rules
  (Also, see 3402 School, Classroom, Lunch Room and Bus Rules and Procedures for discipline)

Prohibited Conduct & Related Discipline

Prohibited conduct is forbidden at school, on school property, including school vehicles and at any school activity. A serious violation that threatens or harms the school, school property, a person connected with school or property associated with a person connected with school is forbidden regardless of where it occurs.

You **May** be removed from school for:

- willful disobedience for violating a school rule.
- defying authority.

- disruptive behavior.
- assault/battery.
- foul, profane, vulgar or abusive language.
- defaming or false statements about students or staff.
- destroying, defacing or vandalizing school property; criminal mischief.
- burglary, theft, or stealing.
- posing a significant threat (including harm to self or others) to the welfare or safety of a student, school personnel, or the operation of the school.
- possessing, using, controlling or being under the influence of alcohol, a drug, an imitation drug or drug paraphernalia or misusing (including inhaling) any substance;
- possessing or using tobacco.
- hazing, demeaning, intimidating, or assaulting someone or forcing someone to ingest a substance.
- sexual or other harassment and inappropriate exposure of body parts;
- bullying – aggression, verbal or physically threatening or intimidating behavior to include cyber bullying.
- Gang–related attire or activity that is dangerous and disruptive.

You **WILL** be removed from school for:

- possession, control of a real weapon, explosive or noxious/flammable material, or the actual or threatened use of a lookalike or pretend weapon.
- possession, control, sale, or use of an alcoholic beverage, drugs, or controlled substance.
- using or threatening to use serious force.
- any serious violation of Section VI. A. affecting a student or staff member. Depending upon the nature of the violation, you may be removed for up to one year. You may be required to attend a Charter Board Due Process Hearing as a result of your violation.

The decision to remove or to discipline in some other way is made by the school administration based upon all the circumstance of the situation.

The type and length of discipline is based on factors such as previous violation, severity of conduct and other relevant educational concerns.

When appropriate, a student may be placed on a behavior contract.

School personnel will use reasonable physical restraint if necessary, to protect a person or property from physical injury or to remove a violent or disruptive student.

Searches

- School personnel can search your personal property based on reasonable suspicion.

- School personnel can also conduct searches that might include student desks and other school property.

Suspension and Expulsion Defined

- Suspension is removal from school for a defined period of time not to exceed one year. A procedure will be established for returning to school after the defined period of time.

- Expulsion is removal from school for one year or more or permanently without the offer of educational services.

Readmission and Admission

- If you are removed from school under Section VI. A., you can be readmitted after your parents/guardian meets with school administration after you complete your days of suspension.

- If you are removed from school under Section VI.B., readmission depends upon satisfactory evidence that you will not be a danger to yourself, others, or school property.

- The school may deny admission to a student who has been expelled from any school in the last twelve months.

Record of Suspension

- Your suspension or expulsion becomes a part of your cumulative school record.

Due Process

- If you are removed from school or otherwise disciplined, you can meet with the school administration to tell your side of the story.

- If the Charter School Principal recommends removal for more than 10 school days, a due process hearing will be scheduled with the Executive Director, the student, and parent. A written request for the due process hearing must be received by the Executive Director within 10 days of the decision.

- If the Executive Director recommends removal for more than 10 school days, a due process hearing will be scheduled with the Guadalupe Charter School Board, the student, and parent. A written request for the due process hearing must be received to the Charter Board President within 10 days of the decision.

34 CFR 300.132 Students with Disabilities

- If you are a student with a qualified disability, the charter school principal will explain the separate procedures (manifestation determination) that may apply based on the procedural safeguards under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. Parents may contact the Guadalupe Special Education Director for more information.

3209 Student Rights and Responsibilities

Students attending Guadalupe School enjoy all the rights and responsibilities afforded to them by both state and national law.

Student Rights: No student shall be unlawfully denied an equal educational opportunity, or be unlawfully discriminated against on the basis of race, creed, color, national origin, religion, age, economic status, sexual orientation, or physical or mental handicap.

Every student has the right to receive an education relevant to his or her own needs and ability, as well as the right to learn at his or her own pace.

All students have the right to learn in an environment that upholds the law and ensures students are safe and protected during school hours and while on school property.

Freedom of speech is a basic student right; however, it is subject to the following constraints:

- It may not disrupt the educational process.
- It may not interfere with the rights of another, including his or her freedom of expression and his or her freedom from abuse and/or personal attack.
- The distribution of any written material, including material which represents the school, on the school property must receive prior approval of the Executive Director.
- Teachers and administrators may edit the style and content of student speech at school assemblies, in the school newspaper, in school theatrical productions, and in other school sponsored activities, when teachers and administrators have legitimate educational concerns.

Every student has the right to an environment that encourages learning and is free of unnecessary disruption. Students have a right to the protections guaranteed to all citizens.

Student Responsibilities: Student responsibilities are established upon the values of self-respect and respect for others. As no student has the right to interfere with the education of fellow students, it is thus the responsibility of each student to respect the rights of all who are involved in the educational process. All students must adhere to these responsibilities while within school facilities, on school grounds, in school-approved vehicles, and while attending school- sponsored events.

Each student attending Guadalupe School has the following responsibilities.

- Adhere to all school rules as outlined in the Guadalupe School Policy and Procedure Book and Parent Handbook.
- Attend school regularly, arrive at school on time, and be prepared for class.
- Exhibit his/her best effort in each subject area and ask for help as needed.
- Practice honesty in all academic work, as well as behave honestly in dealings with all members of the school staff.
- Follow the lawful directions of members of the school staff.
- Submit to reasonable consequences for the violation of rules, which may be imposed by members of the school staff.
- Respect the personal and educational rights of others.
- Refrain from unauthorized use, misuse, or removal of school or individual property.
- Refrain from any form of verbal or physical behavior designed to intimidate or otherwise harass another.
- Refrain from the use of profanity or obscene gestures.
- Refrain from the threat or use of physical violence.
- Refrain from engaging in the sale, distribution, use, or possession of illegal drugs or drug paraphernalia, alcohol, or other controlled substances, including prescription drugs.
- Refrain from possession or storage of any weapon, drug, chemical, firework, or explosive device in any Guadalupe School building, regardless of a federal or state license.
- Refrain from proselytizing for or discriminating against any religious or special interest groups at school.
- Refrain from any conduct which discriminates against other students on the basis of race, creed, color, national origin, religion, age, economic status, sexual orientation, or physical or mental handicap.

Note: Guadalupe School has established rules and guidelines in order to provide a safe and orderly environment for learning. As such, students must adhere to these rules and guidelines. However, the Executive Director may exercise his/her personal judgment in the review of individual discipline incidents.

Guadalupe School complies with all state and federal rules and regulations. Students who feel they have been discriminated against have the right to file a complaint with the school administration and/or local, state and federal authorities.

All policies and procedures shall be updated regularly to comply with state and federal laws.

3210 Tardy

When a student is tardy, the parent must come into the school to sign in the student at the front office. A student is considered tardy if he/she arrives after the scheduled starting time. If tardiness become excessive, a plan of action will be developed with parent, teacher and Principal. Five tardy occasions are considered excessive.

3211 Juvenile Offenders

53G-8-402. Notification by juvenile court and law enforcement agencies.

(1) Notifications received from the juvenile court or law enforcement agencies by the school district under Section 80-6-103 are governed by this part.
(2) School districts may enter into agreements with law enforcement agencies for notification under Subsection (1).

3212 Underage Drinking and Substance Abuse Prevention Program

Guadalupe complies with 53G-10-406, 53G-10-407(5)(b) and R277-910, The underage drinking and substance abuse program is offered each school year to students in grades 4 or 5, and in grade 7 or 8, and in grades 9 or 10. The program instructors have attended the one-time training.

3213 Individualized Education Program

An individualized education program is developed, reviewed, and revised for each child with a disability.

3214 Confidentiality

The LEA complies with regulations relating to the confidentiality of records and information.

3215 Transition from early intervention

Children participating in early intervention program under IDEA part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with IDEA section 637(a)(9). By the third birthday such a child, an individualized education program or if consistent with 34 CFR 300.323 (b), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency.

3216 Children with Disabilities in Private Schools

The District complies with the requirements relating to responsibilities for children in private schools, including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out by providing for such children special education and related service unless the Secretary has arranged for services to those children under IDEA subsection F. Students with disabilities who are unilaterally enrolled in private schools by the parents have no individual entitlement to receive some or all of the special education and related services they would receive if enrolled in a public school (i.e., a free appropriate public education FAPE)). However, LEA school districts have an obligation to provide the group of parentally placed private school children who have disabilities with equitable participation in services funded with Federal IDEA part B Section 611 and 619 funds. LEA charter schools have no obligation to provide proportionate share.

3217 Assessment

All Children with disabilities are included in all general State and LEA assessment programs, including assessments described under Section 1111 of Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs.

3218 Certification Regarding Lobbying

A. No federal appropriated funds have been paid ow will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress in connection with the making of any federal grant, or cooperative agreement;

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress and officer or employee of Congress, or an employee of a member of Congress in connection with federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instruction.

3219 Disproportionate Representation

The LEA has in effect, consistent with the purpose of the IDEA with Section 618(d) of the Act, policies and procedure designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children with disabilities, including children with disabilities with particular impairment.

3220 Prescription – Controlled Substances

The LEA personnel are prohibited from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school, receiving and evaluation or receiving services under IDEA.

3221 Guadalupe Agency Data Governance Plan

PURPOSE

Data governance is an organizational approach to data and information management that is formalized as a set of policies and procedures that encompass the full life cycle of data; from acquisition, to use, to disposal. Guadalupe School takes seriously its moral and legal responsibility to protect student privacy and ensure data security. Utah's Student Data Protection Act (SDPA), U.C.A §53A-1-1401 requires that Guadalupe Agency *Board of Directors* create and implement a policy titled 'Data Governance Plan'.

SCOPE AND APPLICABILITY

Guadalupe Agency (Agency) Data Governance Plan (Plan) is applicable to all employees, temporary employees, and contractors of the Agency, including those at Guadalupe School. The Plan is used to assess agreements made to disclose data to third-parties, assess the risk of conducting business, and to ensure only authorized disclosure of confidential information. The Agency governing board will review and adjusted its Plan on an annual basis or more frequently, as needed. The following 8 subsections provide data governance policies and processes:

1. Data Advisory Groups
2. Non-Disclosure Assurances for Employees
3. Data Security and Privacy Training for Employees
4. Data Disclosure
5. Data Breach
6. Record Retention and Expungement
7. Data Quality
8. Transparency

Furthermore, this Plan works in conjunction with the Agency Information Security Policy, which:

- Designates Guadalupe School as the steward for all confidential information for students in grades K - 6.
- Designates Data Stewards access for all confidential information.
- Requires Data Stewards to maintain a record of all confidential information that they are responsible for.
- Requires Data Stewards to manage confidential information according to this Plan and all other applicable policies, standards, and plans.
- Complies with all legal, regulatory, and contractual obligations regarding privacy of Agency data. Where such requirements exceed the specific stipulation of this Plan, the legal, regulatory, or contractual obligation shall take precedence.
- Provides the authority to design, implement, and maintain privacy procedures meeting Agency standards concerning the privacy of data in motion, at rest, and processed by related information systems.
- Ensures that all Agency and Guadalupe School governing board members, employees, contractors, and volunteers comply with the policy and undergo annual privacy training.
- Provides policies and process for

    - Systems administration,
    - Network security,
    - Application security,

- Endpoint, server, and device security
- Identity, authentication, and access management,
- Data protection and cryptography,
- Monitoring, vulnerability, and patch management,
- High availability, disaster recovery, and physical protection,
- Incident Responses,
- Acquisition and asset management, and
- Policy, audit, e-discovery, and training.

Structure & Membership

The Agency has a data advisory team, which consists of Agency leadership who have responsibility for providing data to internal and external stakeholders as indicated by the Executive Director.

Individual and Group Responsibilities

The following tables outline individual staff and advisory group responsibilities.

Role	Responsibilities
Guadalupe School Student Data Manager	1. May authorize and manage the sharing of personally identifiable student data, from a cumulative record, to internal and external stakeholders; 2. Act as the primary local point of contact for the state student data officer; 3. May share personally identifiable student data that are: a. of a student with the student and the student's parent, b. required by state or federal law, c. in an aggregate form with appropriate data redaction techniques applied, d. for a school official, e. for an authorized caseworker or other representative of the Department of Human Services or the Juvenile Court, f. in response to a subpoena issued by a court, g. directory information, and h. submitted data requests from external researchers or evaluators; 4. May not share personally identifiable student data for the purpose of external research or evaluation; 5. Create and maintain a list of school staff who have access to personally identifiable student data; and 6. Ensure annual training on data privacy during contract week to all staff and volunteers and document names, roles, date, time, location, and agenda.

IT Systems Security Manager	1. Act as the primary point of contact for state student data security administration in assisting the USBE to administer this part; 2. Ensure compliance with security systems laws throughout the public education system, including: a. providing training and support to applicable Guadalupe School employees; and b. producing resource materials, model plans, and model forms for Agency systems security; 3. Investigate complaints of alleged violations of systems breaches; and 4. Provide an annual report to the Agency governing board on Guadalupe School's systems security needs
Executive Director	1. Act as the primary point of contact for external research questions; and 2. Direct staff who provide reports for internal stakeholders

EMPLOYEE NON-DISCLOSURE ASSURANCES

Employee non-disclosure assurances are intended to minimize the risk of human error and misuse of information.

Scope

All Agency and Guadalupe School governing board members, employees, contractors, and volunteers must sign and follow the Employee Non-Disclosure Agreement (See Appendix A), which describes the permissible uses of Agency and state technology and information.

Non-Compliance

Non-compliance will result in consequences up to and including removal of access to the Agency network; if this access is required for employment, employees and contractors may be subject to dismissal.

Non-Disclosure Assurances

All student data collected ad utilized by the Agency is protected as defined by the Family Educational Rights and Privacy Act (FERPA) and Utah statute. This section outlines the way Agency staff utilizes data and protects personally identifiable and confidential information. A signed agreement form is required from all *Agency* staff to verify agreement to adhere to/abide by these practices and will be maintained in Human Resources. All Agency employees and contractors will:

1. Complete a Security and Privacy Fundamentals Training.
2. Consult with the Executive Director and Principal when creating or disseminating reports containing data.
3. Use password-protected, authorized computers when accessing any student-level or staff-level records.
4. NOT share passwords for personal computers or data systems with anyone.
5. Log out of any data system and close the browser after each use.

6. Store sensitive data on appropriate-secured location. Unsecured access and removable storage media, or personally owned computers or devices, are not deemed appropriate for storage of sensitive, confidential, or student data.
7. Keep printed reports with personally identifiable information in a locked location while unattended, and use the secure document destruction service provided when disposing of such records.
8. NOT share personally identifying data during public presentations.
9. Redact any personally identifiable information when sharing sample reports with general audiences found in Appendix B (Protecting PII in Public Reporting).
10. Take steps to avoid disclosure of personally identifiable information in reports, such as aggregating, data suppression, rounding, recoding, blurring, perturbation, etc.
11. Delete files containing sensitive data after using them on computers, or move them to secured servers or personal folders accessible only by authorized parties.
12. NOT use email to send screenshots, text, or attachments that contain personally identifiable or other sensitive information. If users receive an email containing such information, they will delete the screenshots/text when forwarding or replying to these messages. If there is any doubt about the sensitivity of the data the Student Data Privacy Manager should be consulted.
13. NOT transmit student/staff-level data externally unless expressly authorized by the Executive Director and then only transmit data via approved methods.
14. Limit use of individual data to the purposes which have been authorized within the scope of job responsibilities.

Data security and privacy training

Guadalupe School provides training for all Agency staff, including volunteers, contractors, and temporary employees with access to student educational data or confidential educator records, to minimize the risk of human error and misuse of information. Training is provided during contract week and attendees must sign the Acceptable use agreement and Non-disclosure assurances upon completion to receive access to the Agency network and technology. The Guadalupe School Student Data Manager records the names and roles of attendees, as well as the date, time, location, and agenda from the training.

Data disclosure

Purpose

Providing data to persons and entities outside of the Agency increases transparency, promotes education in Utah, and increases knowledge about Utah public education. This section establishes the protocols and procedures for sharing data maintained by the Agency. It is intended to be consistent with the disclosure provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, 34 CFR Part 99 and Utah's Student Data Protection Act (SDPA), U.C.A §53A-1-1401.

Procedures for disclosure of Personally Identifiable Information (PII)

Student or Student's Parent/Guardian Access

In accordance with FERPA regulations 20 U.S.C. § 1232g (a) (1) (A) (B) (C) and (D), the Agency programs and Guadalupe School will provide parents with access to their student's education records, or an eligible student access to his or her own education records (excluding information on other students, the financial records of parents, and confidential letters of recommendation if the student has waived the right to access), within 30 days of receiving an official request. The Agency programs and Guadalupe School is not required to provide data that it does not maintain, nor create education records in response to an eligible student's request.

Third Party Vendor

Third party vendors may have access to students' personally identifiable information if the vendor is designated as a "school official" as defined in FERPA, 34 CFR §§ 99.31(a)(1) and 99.7(a)(3)(iii). A school official may include parties such as: professors, instructors, administrators, health staff, counselors, attorneys, clerical staff, trustees, members of committees and disciplinary boards, and a contractor, consultant, volunteer, or other party to whom the school has outsourced institutional services or functions.

All third-party vendors must be compliant with Utah's Student Data Protection Act (SDPA), U.C.A §53A-1-1401. Vendors determined not to be compliant may not be allowed to enter into future contracts with Agency programs or Guadalupe School without third-party verification that they are compliant with federal and state law and board rule.

Governmental Agency Requests

Agency programs and Guadalupe School may not disclose personally identifiable information of students to external persons or organizations to conduct research or evaluation that is not directly related to a state or federal program reporting requirement, audit, or evaluation. The requesting governmental agency must provide evidence of the federal or state requirements to share data in order to satisfy FERPA disclosure exceptions to data without consent in the case of a federal or state (a) reporting requirement, (b) audit, or (c) evaluation.

The Executive Director will ensure the proper data disclosure avoidance are included if necessary. An Interagency Agreement must be reviewed by the Executive Director and must include "FERPA-Student Level Data Protection Standard Terms and Conditions or Required Attachment Language."

Procedure for External disclosure of Non-PII

The Agency may consider external data requests from individuals or organizations that are not intending on conducting external research or are not fulfilling a state or federal reporting requirement, audit, or evaluation. The Agency has three levels of data requests based on risk: Low, Medium, and High. The Executive Director will make final determinations on classification of student data requests risk level.

Low-Risk Data Request Process

Definition: High-level aggregate data

Examples:

- Enrollment/participation numbers by program
- Percent of students returning to the Agency program or Guadalupe School the subsequent year

Process: Requester completes external research form and submits it to the Executive Director's Office.

Medium-Risk Data Request Process

Definition: Aggregate data, but because of potentially low n-sizes, the data must have disclosure avoidance methods applied

Examples:

- Enrollment/participation numbers by program and grade/age
- Percent of third-graders scoring proficient on the SAGE ELA assessment
- Child Nutrition Program Free or Reduced Lunch percentages

Process: Requester completes external research form and submits it to the Executive Director's Office.

High-Risk Data Request Process

Definition: Student-level data that are de-identified.

Examples:

- De-identified student-level promotion data
- De-identified student-level SAGE ELA assessment scores for grades 3-6.

Process: Requester completes external research form and submits it to the Executive Director's Office.

Data Disclosure to a Requesting External Researcher or Evaluator

Responsibility: The Executive Director will ensure the proper data are shared with external researcher or evaluator to comply with federal, state, and board rules.

The Agency may not disclose PII of students to external persons or organizations to conduct research or evaluation that is not directly related to a state or federal program audit or evaluation. Data that do not disclose PII may be shared with external researchers or evaluators for projects unrelated to federal or state requirements if:

1. The Agency sponsors an external researcher or evaluator request.
2. Student data are not PII and are de-identified through disclosure avoidance techniques and other pertinent techniques as determined by the Executive Director.
3. Researchers and evaluators supply the Agency a copy of any publication or presentation that uses Agency data 10 business days prior to any publication or presentation.

Process: Requester completes external research form and submits it to the Executive Director's Office.

Data breach

Purpose

Establishing a plan for responding to a data breach, complete with clearly defined roles and responsibilities, will promote better response coordination and help educational organizations shorten their incident response time.

Prompt response is essential for minimizing the risk of any further data loss and, therefore, plays an important role in mitigating any negative consequences of the breach, including potential harm to affected individuals.

Procedures

The Agency follows industry best practices to protect information and data. In the event of a data breach or inadvertent disclosure of PII, Agency staff will follow industry best practices outlined in the Agency IT Security Policy for responding to the breach. Further, the Agency follows best practices for notifying affected parties, including students, in the case of an adult student, or parents or legal guardians, if the student is not an adult student.

Concerns about security breaches must be reported immediately to the IT security manager who will collaborate with appropriate members of the data advisory team to determine whether a security breach has occurred. If the Agency data advisory team determines that one or more employees or contracted partners have substantially failed to comply with Agency IT Security Policy and relevant privacy policies, they will identify appropriate consequences, which may include termination of employment or a contract and further legal action. Concerns about security breaches that involve the IT Security Manager must be reported immediately to the Executive Director.

The Agency will provide and periodically update, in keeping with industry best practices, resources for staff, contractors, and volunteers in preparing for and responding to a security breach.

Record retention and expungement

Purpose

Records retention and expungement policies promote efficient management of records, preservation of records of enduring value, quality access to public information, and data privacy.

Procedure

Agency staff retains and dispose of student records in accordance with Section 63G-2-604, 53A-1-1407, and complies with active retention schedules for student records per Utah Division of Archive and Record Services.

In accordance with 53A-1-1407, Agency programs and Guadalupe School will expunge student data that is stored upon request of the student if the student is at least 23 years old. Agency programs and Guadalupe School may expunge medical records and behavioral test assessments. Agency programs and Guadalupe School will not expunge student records of grades, transcripts, a record of the student's enrollment, or assessment information. Agency program and Guadalupe School staff will collaborate with Utah State Achieves and Records Services, USBE, and contractors with expert knowledge in updating data retention schedules.

Agency program and Guadalupe School maintained student-level discipline data will be expunged three years after the data is no longer needed.

Quality Assurances and Transparency Requirements

Purpose

Data quality is achieved when information is valid for the use to which it is applied, is consistent with other reported data and users of the data have confidence in and rely upon it. Good data quality does not solely exist with the data itself, but is also a function of appropriate data interpretation and use and the perceived quality of

the data. Thus, true data quality involves not just those auditing, cleaning and reporting the data, but also data consumers. Data quality at is addressed in five areas:

Data Governance Structure

The Plan is structured to encourage the effective and appropriate use of educational data. The *Plan* centers on the idea that data is the responsibility of all program staff and that data driven decision making is the goal of all data collection, storage, reporting, and analysis. Data driven decision making guides what data is collected, reported, and analyzed.

Data Requirements and Definitions

Clear and consistent data requirements and definitions are necessary for good data quality. On the data collection side, the Agency receives training from and regularly communicates with the USBE regarding data requirements and definitions.

Data Auditing

The data advisory team and Principal perform regular and ad hoc data auditing. They analyze data for anomalies, investigate the source of the anomalies, and correct the anomalies, as appropriate.

Quality Control Checklist

Checklists have been proven to increase quality (See Appendix C). Therefore, before releasing high-risk data, the Agency program director and Executive Director must successfully complete the data release checklist in three areas: reliability, validity and presentation.

Data Transparency

Annually, *Guadalupe School* will publically post:

- Metadata Dictionary as described in Utah's Student Data Protection Act (SDPA), U.C.A §53A-1-1401

Appendix to Guadalupe Agency Data Governance Plan

Appendix A. Agency Employee Non-Disclosure Agreement

As an employee of the Guadalupe Agency, I hereby affirm that: (Initial)

_____ I have read the Employee Non-Disclosure Assurances attached to this agreement form and read and reviewed the Agency's Data Governance Plan. These assurances address general procedures, data use/sharing, and data security.

_____ I will abide by the terms of Agency's Data Governance Plan and corresponding plans, processes, and procedures;

_____ I grant permission for the manual and electronic collection and retention of security related information, including but not limited to photographic or videotape images, of your attempts to access the facility and/or workstations.

Trainings

_____ I have completed Guadalupe Agency's Data Security and Privacy Fundamentals Training.

Using Guadalupe Agency Data and Reporting Systems

_____ I will use a password-protected computer when accessing data and reporting systems, viewing student/staff records, and downloading reports.

_____ I will not share or exchange individual passwords, for either personal computer(s) or *Agency* user accounts, with *anyone*.

_____I will lock or close my computer whenever I leave my computer unattended.

_____I will only access data in which I have received permission to use in order to fulfill job duties.

_____I will not attempt to identify individuals with the data, except as is required to fulfill job or volunteer duties.

Handling Sensitive Data

_____ I will keep sensitive data on password-protected, authorized computers.

_____ I will keep any printed files containing personally identifiable information (PII) in a locked location while unattended.

_____ I will not share student/staff-identifying data during public presentations.

_____ I will delete files containing sensitive data after working with them from my desktop or local computer drives.

Reporting & Data Sharing

_____ I will not disclose, share, or publish any confidential data analysis without the approval of the Executive Director.

_____ I will take steps to avoid disclosure of PII in reports, such as aggregating, data suppression, rounding, recoding, blurring, perturbation, etc.

_____ I will <u>not</u> use email to send screenshots, text, or attachments that contain personally identifiable or other sensitive information. If I receive an email containing such information, I will delete the screenshots/text when forwarding or replying to these messages.

_____I will not transmit student/staff-level data externally unless explicitly authorized by the Executive Director.

_____ I will immediately report any data breaches, suspected data breaches, or any other suspicious activity related to data access to my supervisor and the Executive Director. Moreover, I acknowledge my role as a public servant and steward of student/staff information, and affirm that I will handle personal information with care to prevent disclosure.

Consequences for Non-Compliance

_____ I understand that access to the Agency network and systems can be suspended based on any violation of this agreement or risk of unauthorized disclosure of confidential information;

_____I understand that failure to report violation of confidentiality by others is just as serious as my own violation and may subject me to personnel action, including termination.

Termination of Employment

_____I agree that upon the cessation of my employment from the Agency, I will not disclose or otherwise disseminate any confidential or personally identifiable information to anyone without the prior written permission of the Executive Director.

Print Name: _____

Signed: _____

Date: _____

Appendix B. Protecting PII in Public Reporting

Public education reports offer the challenge of meeting transparency requirements while also meeting legal requirements to protect each student's personally identifiable information (PII). Recognizing this, the reporting requirements state that subgroup disaggregation of the data may not be published if the results would yield personally identifiable information about an individual student. While the data used by Agency programs and Guadalupe School is comprehensive, the data made available to the public is masked to avoid unintended disclosure of PII in reports.

This is done by applying the following statistical method for protecting PII.

1. Underlying counts for groups or subgroups totals are not reported.
2. If a reporting group has 1 or more subgroup(s) with 10 or fewer students.
    - The results of the subgroup(s) with 10 or fewer students are recoded as "N<10"
    - For remaining subgroups within the reporting group
        1. For subgroups with 300 or more students, apply the following suppression rules.
            1. Values of 99% to 100% are recoded to ≥99%
            2. Values of 0% to 1% are recoded to ≤1%
        2. For subgroups with 100 or more than but less than 300 students, apply the following suppression rules.
            1. Values of 98% to 100% are recoded to ≥98%
            2. Values of 0% to 2% are recoded to ≤2%
        3. For subgroups with 40 or more but less than 100 students, apply the following suppression rules.
            1. Values of 95% to 100% are recoded to ≥95%
            2. Values of 0% to 5% are recoded to ≤5%
        4. For subgroups with 20 or more but less than 40 students, apply the following suppression rules.
            1. Values of 90% to 100% are recoded to ≥90%
            2. Values of 0% to 10% are recoded to ≤10%
            3. Recode the percentage in all remaining categories in all groups into intervals as follows (11-19,20-29,…,80-89)
        5. For subgroups with 10 or more but less than 20 students, apply the following suppression rules.
            1. Values of 80% to 100% are recoded to ≥80%
            2. Values of 0% to 20% are recoded to ≤20%
            3. Recode the percentage in all remaining categories in all groups into intervals as follows (20-29,30-39,…,70-79)

Appendix C. Quality Control Checklist

Reliability (results are consistent)

1. Same definitions were used for same or similar data previously reported **or** it is made very clear in answering the request how and why different definitions were used
2. Results are consistent with other reported results **or** conflicting results are identified and an explanation provided in request as to why is different
3. All data used to answer this particular request was consistently defined (i.e., if teacher data and student data are reported together, are from the same year/time period)
4. Another Agency employee could reproduce the results using the information provided in the metadata

Validity (results measure what are supposed to measure, data addresses the request)

5. Request was clarified
6. Identified and included all data owners that would have a stake in the data used
7. Data owners approve of data definitions and business rules used in the request
8. All pertinent business rules were applied
9. Data answers the intent of the request (intent ascertained from clarifying request)
10. Data answers the purpose of the request (audience, use, etc.)
11. Limits of the data are clearly stated
12. Definitions of terms and business rules are outlined so that a typical person can understand what the data represents

Presentation

13. Is date-stamped
14. Small n-sizes and other privacy issues are appropriately handled
15. Wording, spelling, and grammar are correct
16. Data presentation is well organized and meets the needs of the requester
17. Data is provided in a format appropriate to the request
18. A typical person could not easily misinterpret the presentation of the data

3222 Guadalupe Technology Security Policy

1. Purpose

The purpose of this policy is to ensure the secure use and handling of all Guadalupe Agency (hereinafter "Agency") data, computer systems and computer equipment by students, patrons, and employees.

2. Policy

2.1 Technology Security

It is the policy of the Agency to support secure network systems in its programs and Guadalupe School, including security for all personally identifiable information (hereinafter "PII") that is stored on paper or stored digitally on

agency-maintained computers and networks. This policy supports efforts to mitigate threats that may cause harm to the Agency, its students, or its employees.

The Agency will ensure reasonable efforts will be made to maintain network security. Data loss can be caused by human error, hardware malfunction, natural disaster, security breach, etc., and may not be preventable.

All persons who are granted access to the Agency network and other technology resources are expected to be careful and aware of suspicious communications and unauthorized use of Agency devices and the network. When an employee or other user becomes aware of suspicious activity, s/he is to immediately contact the Agency's Information Security Officer with the relevant information.

This policy and procedure also covers third party vendors and contractors that contain or have access to Agency critically sensitive data. All third-party entities are required to sign the Restriction on Use of Confidential Information Agreement before accessing Agency systems or receiving information.

It is the policy of the Agency to fully conform with all federal and state privacy and data governance laws, including the Family Educational Rights and Privacy Act, 20 U.S. Code §1232g and 34 CFR Part 99 (hereinafter "FERPA"), the Government Records Access and Management Act U.C.A. §62G-2 (hereinafter "GRAMA"), U.C.A. §53A-1-1401 et seq. and Utah Administrative Code R277-487.

Professional development for staff and students regarding the importance of network security and best practices are included in Section 3. The procedures associated with this policy are consistent with guidelines provided by cyber security professionals worldwide and in accordance with Utah Education Network and the Utah State Board of Education. The Agency supports the development, implementation and ongoing improvements for a robust security system of hardware and software that is designed to protect the Agency's data, users, and electronic assets.

3. Procedure

3.1. Definitions:

3.1.1. Access: Directly or indirectly use, attempt to use, instruct, communicate with, cause input to, cause output from, or otherwise make use of any resources of a computer, computer system, computer network, or any means of communication with any of them.

3.1.2. Authorization: Having the express or implied consent or permission of the owner, or of the person authorized by the owner to give consent or permission to access a computer, computer system, or computer network in a manner not exceeding the consent or permission.

3.1.3. Computer: Any electronic device or communication facility that stores, retrieves, processes, or transmits data.

3.1.4. Computer system: A set of related, connected or unconnected, devices, software, or other related computer equipment.

3.1.5. Computer network: The interconnection of communication or telecommunication lines between: computers; or computers and remote terminals; or the interconnection by wireless technology between: computers; or computers and remote terminals.

3.1.6. Computer property: Includes electronic impulses, electronically produced data, information, financial instruments, software, or programs, in either machine or human readable form, any other tangible or intangible item relating to a computer, computer system, computer network, and copies of any of them.

3.1.7. Confidential: Data, text, or computer property that is protected by a security system that clearly evidences that the owner or custodian intends that it not be available to others without the owner's or custodian's permission.

3.1.8. Encryption or encrypted data – The most effective way to achieve data security. To read an encrypted file, you must have access to a secret key or password that enables you to decrypt it.

3.1.9. Personally Identifiable Information (PII) - Any data that could potentially identify a specific individual. Any information that can be used to distinguish one person from another and can be used for de-anonymizing anonymous data can be considered protected data

3.1.10. Security system: A computer, computer system, network, or computer property that has some form of access control technology implemented, such as encryption, password protection, other forced authentication, or access control designed to keep out unauthorized persons.

3.1.11. Sensitive data - Data that contains personally identifiable information.

3.1.12. System level – Access to the system that is considered full administrative access. Includes operating system access and hosted application access.

3.2. Security Responsibility

3.2.1. The Agency shall appoint an IT Security Officer (hereinafter “ISO”) responsible for overseeing Agency-wide IT security, to include development of Agency policies and adherence to the standards defined in this document.

3.3. Training

3.3.1. The Agency, led by the ISO, ensures all Agency employees having access to sensitive information undergo annual IT security training which emphasizes their personal responsibility for protecting student and employee information. Training resources will be provided to all Agency employees.

3.3.2. The Agency, led by the ISO, ensures that all students are informed of Cyber Security Awareness.

3.4. Physical Security

3.4.1. Computer Security

3.4.1.1. The Agency's Data Governance Plan ensures that staff computers are not left unattended and unlocked, especially when logged into sensitive systems or data including student or employee information. Automatic log off, locks, and password screen savers are used to enforce this requirement.

3.4.1.2. The Agency ensures that all equipment that contains sensitive information is secured to deter theft.

3.4.2. Server/Network Room Security

3.4.2.1. The Agency ensures that server rooms and telecommunication rooms are protected by appropriate access control which segregates and restricts access from general school or office areas. Access control is enforced using keys, electronic card readers, or similar method with staff members having only the access necessary to perform their job functions.

3.4.2.2. Telecommunication rooms only remain unlocked or unsecured when, because of building design, it is impossible to do otherwise or due to environmental problems that require the door to be opened.

3.4.3. Contractor access

3.4.3.1. Before any contractor is allowed access to any computer system, server room, or telecommunication room the contractor must present a company issued identification card, and his/her access is confirmed directly by the authorized employee who issued the service request.

3.5. Network Security

3.5.1. Network perimeter controls are implemented to regulate traffic moving between trusted internal (Agency) resources and external, untrusted (Internet) entities. All network transmission of sensitive data should enforce encryption where technologically feasible.

3.5.2. Network Segmentation

3.5.2.1. The Agency ensures that all untrusted and public access computer networks are separated from main Agency computer networks and utilize security policies to ensure the integrity of those computer networks.

3.5.2.2. The Agency utilizes industry standards and current best practices to segment internal computer networks based on the data they contain. This is done to prevent unauthorized users

from accessing services unrelated to their job duties and minimize potential damage from other compromised systems.

3.5.3. Wireless Networks

3.5.3.1. No wireless access point shall be installed on The Agency's computer network that does not conform to current network standards. Any exceptions to this must be approved by the ISO.

3.5.3.2. The Agency scans for and removes or disables any rogue wireless devices on a regular basis.

3.5.3.3. All wireless access networks conform to current best practices and utilize at minimal WPA encryption for any connections. Open access networks are not permitted, except on a temporary basis for events when deemed necessary.

3.5.4. Remote Access

3.5.4.1. The Agency ensures that any remote access with connectivity to the Agency's internal network is achieved using the Agency's centralized VPN service that is protected by multiple factor authentication systems. Any exception to this policy must be due to a service provider's technical requirements and must be approved by the Information Security Officer.

3.6. Access Control

3.6.1. System and application access is granted based upon the least amount of access to data and programs required by the user in accordance with a business need-to-have requirement.

3.6.2. Authentication

3.6.2.1. The Agency enforces strong password management for employees, students, and contractors.

3.6.2.2. Password Protection

3.6.2.2.1. Passwords must not be shared with anyone. All passwords are to be treated as sensitive, confidential information.

3.6.2.2.2. Passwords must not be inserted into email messages or other forms of electronic communication.

3.6.2.2.3. Passwords must not be revealed over the phone to anyone.

3.6.2.2.4. Do not reveal a password on questionnaires or security forms.

3.6.2.2.5. Do not hint at the format of a password (for example, "my family name").

3.6.2.2.6. Any user suspecting that his/her password may have been compromised must report the incident to the ISO and change all passwords.

3.6.2. Authorization

3.6.2.1. The Agency ensures that user access is limited to only those specific access requirements necessary to perform their jobs. Where possible, segregation of duties will be utilized to control authorization access.

3.6.2.2. The Agency ensures that user access is granted and/or terminated upon timely receipt, and management's approval, of a documented access request/termination.

3.6.3. Accounting

3.6.3.1. The Agency ensures that audit and log files are maintained for at least ninety days for all critical security-relevant events such as: invalid logon attempts, changes to the security policy/configuration, and failed attempts to access objects by unauthorized users, etc.

3.6.4. Administrative Access Controls

3.6.4.1. The Agency limits IT administrator privileges to the minimum number of staff required to perform these sensitive duties.

3.7. Incident Management

3.7.1. Monitoring and responding to IT related incidents are designed to provide early notification of events and rapid response and recovery from internal or external network or system attacks.

3.8. Business Continuity

3.8.1. To ensure continuous critical IT services, the Agency will develop a business continuity/disaster recovery plan appropriate for the size and complexity of Agency IT operations.

3.8.2. The Agency developed and deployed a business continuity plan which includes as a minimum:

- Backup Data: Procedures for performing routine daily/weekly/monthly backups and storing backup media at a secured location other than the server room or adjacent facilities. As a minimum, backup media must be stored off-site a reasonably safe distance from the primary server room.
- Secondary Locations: Identify a backup processing location.
- Emergency Procedures: Document a calling tree with emergency actions to include: recovery of backup data, restoration of processing at the secondary location, and generation of student and employee listings for ensuring a full head count of all.

3.9. Malicious Software

3.9.1. Server and workstation protection software is deployed to identify and eradicate malicious software attacks such as viruses, spyware, and malware.

3.9.2. The Agency will install, distribute, and maintain spyware and virus protection software on all Agency-owned equipment.

3.9.3. The Agency ensures that malicious software protection includes frequent update downloads (minimum weekly), frequent scanning (minimum weekly), and that malicious software protection is in active state (real time) on all operating servers/workstations.

3.9.4. The Agency ensures that all security-relevant software patches (workstations and servers) are applied within thirty days and critical patches shall be applied as soon as possible.

3.9.5. All computers must use the Agency approved anti-virus solution.

3.9.6. Any exceptions to section 3.9 must be approved by the ISO.

3.10. Internet Content Filtering

3.10.1. In accordance with Federal and State Law, the Agency filters internet traffic for content defined in law that is deemed harmful to minors.

3.10.2. The Agency acknowledges that technology based filters are not always effective at eliminating harmful content and due to this, the Agency uses a combination of technological means and supervisory means to protect students from harmful online content.

3.10.3. In the event that students take devices home, the Agency provides a technology based filtering solution for those devices. However, the Agency relies on parents to provide the supervision necessary to fully protect students from accessing harmful online content.

3.10.4. Students are supervised when accessing the internet and using Agency owned devices on school property.

3.11. Data Privacy

3.11.1. The Agency considers the protection of the data it collects on students, employees, and their families to be of the utmost importance.

3.11.2. The Agency protects student data in compliance with the Family Educational Rights and Privacy Act, 20 U.S. Code §1232g and 34 CFR Part 99 (“FERPA”), the Government Records Access and Management Act U.C.A. §62G-2 (“GRAMA”), U.C.A. §53A-1-1401 et seq, 15 U.S. Code §§ 6501–6506 (“COPPA”) and Utah Administrative Code R277-487 (“Student Data Protection Act”).

3.11.3. The Agency ensures that employee records access is limited to only those individuals who have specific access requirements necessary to perform their jobs. Where possible, segregation of duties is utilized to control authorization access.

3.12. Security Audit and Remediation

3.12.1. The Agency performs routine security and privacy audits in congruence with the Agency's Information Security Audit Plan.

3.12.2. Agency personnel will develop remediation plans to address identified lapses that conforms with the Agency's Information Security Remediation Plan Template.

3.12.3. Employee Disciplinary Actions are in accordance with applicable laws, regulations, and Agency policies. Any employee found to be in violation of this policy or procedures may be subject to disciplinary action up to and including termination of employment with the Agency.

3300 WELFARE

3301 Bathroom Accidents

Procedures for children who have bathroom accidents at school:

Children who have bathroom accidents at school are expected to change their own clothes. A staff member will talk the child through changing their clothes from outside the bathroom stall and will help them tie their shoes if needed. If the child is unable to clean him/herself, a parent or guardian will be called to come help the child or take the child home.

3302 Disinfecting

Guadalupe will maintain and enforce a clean and orderly workplace for its students and employees. The following procedures will apply:

- Hand disinfectant gel will be available in all classrooms and staff room.
- Hand disinfectant gel will be available at the front office for individuals entering and exiting the building.
- All student desktops in the K-6 program will be disinfected twice a week by maintenance.
- The floors in the restrooms, preschool and cafeteria will be mopped and disinfected daily.
- Students will wash hands as often as possible, especially before breakfast and lunch.
- Staff will wash hands as often as possible.
- Toys, etc. used in the preschool classroom will be disinfected by preschool teachers on a weekly basis; desk tops will be disinfected several times during the day.
- On a yearly basis, maintenance will deep clean throughout the building.

3303 Emergency Plan

It shall be the practice of Guadalupe to develop, maintain and exercise an Emergency Plan. Such plan is intended to guide Guadalupe staff during an emergency situation in which Guadalupe could not continue to educate/instruct students in a normal manner.

Guadalupe's Emergency Plan is to provide the necessary information and process necessary to insure the following:

- Respond to a disaster occurrence – Please refer to Guadalupe's disaster manual for guidance in fire, earthquake, bomb threat, natural gas leak, hazardous materials/chemical spill, or intruder break in. This manual is given out to all new employees and is reviewed every October at "All staff Meeting."
- Recover critical financial/accounting data and records – Daily backups are done on the entire computer system with a weekly tape placed in the fireproof safe.
- Notify all Guadalupe staff and students – A telephone tree is in place in the disaster manual in case of building, utility, weather, earthquake (please see Emergency Procedures Checklist) or any other disaster that would inhibit the children or VIP from carrying on with a "business as usual day."
- Reduce the risk of loss of assets to an acceptable level.
- Reduce threats to Guadalupe students – policies have been set up to help reduce threats or danger to our students and staff. These policies are found in the Parent Handbook, the Employee Handbook and disaster manual. All are given high priority and are closely followed.
- Chain of command – A chain of command has been set up in the financial office so if for any reason a staff member is unable to continue her/his job, a process is in place so there is no disruption in the day to day work of the agency.

(Refer to Attachment 3303A located at the end of this section.)

3304 Emergency Preparedness (See Emergency Procedures, Appendix 3304A)

Guadalupe is committed to providing a safe environment for students while attending school.

Utah State law requires each local school board to adopt and maintain an emergency preparedness plan for Guadalupe which meets State Board's standards. The emergency plan shall be reviewed and, if necessary, revised by the Board of Education at least once every three years. *R277-400-3*

Committee

At least 12 months prior to the date scheduled for the three-year review of the Emergency Preparedness Plan, the Guadalupe Charter Board shall appoint a committee to review and recommend any revisions or modifications of the Emergency Preparedness Plan or manual to the Charter Board prior to the date set for the review by the Board.

Emergency Defined

For purposes of this policy "Emergency" is defined as a natural or man-made disaster, accident, act of war, or other circumstance which could reasonably endanger the safety of school children and staff or disrupt the operation of Guadalupe.

Application of Policy

This policy shall be followed in all emergencies arising at Guadalupe. This policy includes by adoption and reference the emergency preparedness manual adopted by Guadalupe.

Duty of All School Employees

All school employees shall:

- Familiarize themselves, during an all facility meeting, with the Emergency Preparedness Policy and the Emergency Preparedness manual for Guadalupe.
- Be prepared to activate and implement the plan as needed.
- Perform any duties which are necessary to effectuate the activation and implementation of the plan and procedures referred to herein effectively.
- Constantly be alert to any situations or conditions on or about Guadalupe's campus which could endanger students, staff, or facilities.
- If any weapons are observed or reported, the Education Directors should be notified immediately and if appropriate, law enforcement and/or other emergency personnel should be called in to assist.
- Immediately notify the Education Directors of any situation or condition (guns, knives, matches, etc.) which may endanger students, staff, or facilities.
- Staff members shall pay particular attention to individuals seen in school buildings, facilities, or on or about school campuses that are not students, staff, or do not appear to have legitimate business in that area or acting suspiciously.
- Guadalupe shall adopt a plan for registering and identifying legitimate visitors to each school. Persons on school campuses who fail or refuse to conform to Guadalupe's visitor check-in procedures are declared to be trespassing and may be removed from Guadalupe's campus by law enforcement officials, if necessary.
- A person who does not have a visitor badge on and does not appear to belong on campus or who is behaving in a suspicious manner should be monitored until appropriate school or law enforcement officials can determine whether his/her presence is legitimate.
- School should encourage and welcome visits by parents and others with legitimate business at the facility.

Emergency Preparedness Week

Members of the faculty and staff shall teach emergency preparedness procedures to the students prior to October 31 of each school year. This may be part of "Emergency Preparedness Week."

Students shall be provided with training in age-appropriate first aid and safety measures appropriate for specific emergencies.

Members of the faculty and staff shall teach emergency preparedness procedures to the students prior to October 31 of each year and, as appropriate, throughout the school year.

Administrators and staff shall (prior to October 31st of each year) provide students with training in age-appropriate first aid and safety measures appropriate for specific medical emergencies especially head and neck injuries.

Responsibility for Policy Development

The Board is mandated by the state to develop and implement an Emergency Preparedness Plan, consistent with state regulations.

Line of Authority

- In any emergency, the Executive Director shall assume primary responsibility.
- The Emergency Preparedness Plan shall designate the person or persons that shall assume control of all emergency situations in the absence of the Executive Director.

- In all emergency situations, the Education Directors shall be notified as quickly as possible. The Education Directors may assume control of all emergency situations, if deemed necessary.
- The Education Directors shall immediately notify the President of the Board of Education and Board members of emergency situations.

Emergency Drills

- The Executive Director is responsible to see that appropriate drills and practices are conducted during each school year.
- Evacuation procedures shall assure reasonable care and supervision of students until responsibility has been assumed by a parent or relative as noted on Guadalupe's emergency release form.
- Yearly, Guadalupe shall conduct at least one emergency drill.
- Guadalupe shall conduct a fire drill at least once each month while school is in session, except that school may postpone a fire drill due to severe weather conditions.
- Emergency and fire drills shall be held at both regular and inopportune times to cover varying situations.
- Fire drills shall include the complete evacuation of all persons from Guadalupe's building, except that the Executive Director/Education Directors may make an exception for the person responsible for notification of the fire department and for emergency communications. All visitors and other persons in the building at the time of the fire drill must follow appropriate evacuation procedures when the alarm has sounded.

DUTIES OF THE EXECUTIVE DIRECTOR

The Executive Director shall:

- At the beginning of each school year present parents and staff with a written summary of relevant sections of Guadalupe's Emergency Preparedness Plan.
- Have on file at the State Office of Education a current school emergency plan.
- Establish exit routes for all areas of Guadalupe.
- Provide drills and training sessions to familiarize students and staff to those exit routes.
- Designate the command post area.
- Executive Director keeps the Education Directors fully informed of all plans and actions.
- Care for and monitor all warning systems to keep them functional.
- Inform and provide Guadalupe's staff with in-service training on the content of the Emergency Preparedness Policies and Plan and instigate trainings necessary to assure familiarity and compliance with the procedures.
- Provide leadership in adopting school curriculum to give the necessary instruction regarding emergency procedures.
- Cooperate with appropriate community agencies and officials regarding emergency preparedness.

DUTIES OF TEACHERS

Each teacher, including support staff, shall:

- Develop and maintain familiarity with the emergency procedures for Guadalupe paying particular attention to the duties of teachers.

- Provide the training and instruction to students required in this policy during Emergency Preparedness Week trainings.
- In an emergency situation, accept and carry out the responsibilities and duties outlined for teachers in this policy and in the Emergency Preparedness Plan.
- At all times, take an active part in protecting the safety and security of students at the school and at school functions.
- Immediately notify the Executive Director/Education Directors of any person or condition that may pose a threat to students, staff or school facilities.
- Know the location of exit points and emergency evacuation routes within the school.
- Know where students are to go and what they are to do, depending upon the nature of the emergency.
- Keep a class roll available at all times during an emergency.
- Monthly integrate recent and pertinent emergency preparedness information and safety practices into regular classroom instruction.
- Be prepared to and assume responsibility for students under emergency conditions.
- Know the whereabouts of his or her classroom students at all times during an emergency.
- Use the class roll as a checklist to account for students. The class roll should be contained in the black emergency bag with telephone numbers of parents and guardians.
- Keep all students at school or other designated location(s) until otherwise directed by the Executive Director/Education Directors.
- If an emergency situation should arise outside of classroom time, the classroom teacher is responsible for locating the students and maintaining control until further instructions are given by the Executive Director/Education Directors.

DUTIES OF OTHER PERSONNEL

Secretaries are responsible to:

- Assist with communication and procedures during all emergencies and drills.
- Maintain a complete list of children and staff with their home phone and emergency contact numbers.
- Initiate the phone tree or calling tree at the direction of the Executive Director.
- Maintain an appropriate supply of first aid equipment and supplies.

Custodians, or as assigned, are responsible to:

- Assume responsibility for the safety of the physical plant during an emergency.
- Report structural defects immediately to the Education Directors.
- Assume responsibility for inspection and maintenance of firefighting equipment.
- Chart shutoff valves and switches for gas, water, and electricity. Post these charts for easy access in an emergency and maintain a copy with the local fire chief.
- Assist in checking for utility line or building damage for exit safety.

All Guadalupe staff will, in an emergency situation, take steps as necessary to implement this policy and the Emergency Preparedness Plan for Guadalupe and act to protect the safety of students under the direction of the Executive Director.

DUTIES OF STUDENTS

In an emergency situation, or drill, students shall:

- Obey all directions from teachers, administrators and emergency responders, including firemen, police, etc.
- Move quickly from the building in an orderly manner as directed by the teacher.
- Remain in the designated assembly area outside the building until directed to leave by the teacher or Education Directors. This includes not going home or leaving campus until given instruction to do so.
- In any emergency situation, students should quickly follow directions, but should maintain order and discipline.

3305 Injuries on the Playground

Guadalupe shall provide a safe environment for students while playing on the playground. At all times, students will be supervised by a responsible adult. If an injury occurs on the playground, the following procedures apply:

- Assess if child needs first aid.
- While on the playground, the responsible adult has access to a first aid kit at all times.
- First aid will be administered by an adult inside building unless child cannot be moved.
- If child cannot be moved, send a responsible student to find an adult to help.
- Administer first aid as required.
- Complete the “Student Injury Report” immediately following the occurrence if the injury is severe enough to cause the loss of one-half day or more of school or warrant medical attention and treatment from a nurse, M.D. or E.R.
- Report must be signed by person making the report and the Principal.
- Return form to front office for filing.

(Refer to Attachment 3305A located at the end of this section.)

3306 Leave School Grounds

It is the policy of Guadalupe to provide a safe and secure environment for students. The following procedures will be followed relative to a student leaving the school grounds.

Students are not permitted to leave the school grounds during regular school hours. If a student needs to leave school early at the parent’s request, a parent, legal guardian, or an adult 18 years or older who is listed on the student’s registration card, must sign out the student at the front office.

If the parent or guardian needs the student picked up by someone not listed on the student’s registration card, a note or telephone call from the parent is required in advance. Additionally, the individual picking up the student will be required to sign out the student at the front office and present identification which will be copied and filed in the student’s cum file.

3307 Medical Needs

Guadalupe adheres to all immunization laws. Prior to the start of school, every student must have the following immunizations:

• 4-5 DPT	4 doses of polio
• 3 Hepatitis B	2 Hepatitis A
• 1 Varicella	2 MMR or 1 rubella, 1 mumps, 2 measles

A Utah Certificate of Immunization form or equivalent, signed by a physician, is required at registration. Occasionally, additional vaccinations may become required by law. The school reviews all immunization forms and will notify parents of missing immunizations. It is the parent's responsibility to ensure all requirements for the student are met or that the student is on track to receive all scheduled doses.

The school utilizes reasonable precautions to ensure a healthy environment for all students. Children should be kept home from school if they have one or more of the following:

- fever
- vomiting
- diarrhea
- conjunctivitis (pink eye)
- stomach pain
- sore throat
- rash

Children must be free from the symptoms above for at least 24 hours before returning to school. Some communicable diseases require a longer exclusion from school.

In the event that any of the previous symptoms appear in school, the following procedures will be followed:

- If a child becomes ill at school, he/she will be isolated from other children.
- The child's parents will be notified that their child is ill and must be picked up from school. Children are to be picked up within one hour of notification.
- If a parent cannot be reached, the emergency contact person will be called.
- In case of a serious or life-threatening injury or illness, the school will call 9-1-1 for medical assistance. All efforts will be made to notify the parents immediately. Emergency personnel will decide if the child needs to be transported to a hospital. Guadalupe is not responsible for any bills incurred by calling for emergency personnel.

If a student feels ill but exhibits no obvious symptoms of illness, the secretary may invite the student to rest for 15 – 30 minutes to determine if the symptoms will subside. If the student is not feeling better after resting, the parents will be contacted to determine how the school should proceed. The student may either be sent back to class or the parent may be required to pick up the student from school.

All medications should be given to students at home whenever possible. However, if necessary, prescription medication and over-the-counter drugs may be administered to students at school only upon the specific written request of the student's parent or guardian and the child's medical doctor. (Refer to 3308 Medications.)

Students are allowed to possess and self-administer asthma medication and diabetes medication, as appropriate, providing certain requirements are met as outlined in Utah State Code Section 53A-11-602 and 53A-11-604, respectively. Appropriate forms are available in the office as developed by the Utah Dept. of Health.

Students who have particular health concerns will be flagged with a Red Health Alert Folder which is kept in the office of the Principal. This folder will have detailed instructions on the procedures to follow in case of an emergency, as well as any parental permission required. Teachers will receive a copy of these instructions as well. The health concerns of any student who has a Red Health Alert Folder will be discussed with the teachers, office staff, and Administrative Director or Principal to ensure the child's needs are met.

3308 Medications

Policy

Guadalupe is dedicated to the well-being of its students. When it is necessary to administer a medication to one of the students during school hours, designated staff will follow the procedures in accordance with Utah Code Sec. 53A-11-601 and 53A-11-602:

Procedures

- An “Authorization of Student Medication” form is given to the student’s parent.
- The parent takes the form to the health care provider.
- The health care provider provides information relative to the medication.
- The health care provider signs and dates the authorization.
- The parent signs and dates the authorization.
- The parent brings the signed authorization form and the medication to school and gives them to the receptionist/secretary.
- If necessary, the medication along with the “Student Medication” form is placed in a secure cabinet for distribution.
- When a student has permission to self-administer asthma medication, the student will keep the medication with him/her.
- The receptionist/secretary and one other designee will have an annual training session with a medical professional.
- When required, the receptionist/secretary or one other designee will administer the medication to the student and date and initial the “Medication Record” form.
- Records are kept in a secure cabinet.
- The medication must be transported to the school by the parent.
- When the medication expires or is no longer needed, the parent is responsible for the proper disposal of the medication.

53G-9-203. Definitions -- School personnel -- Medical recommendations -- Exceptions -- Penalties.

(1) As used in this section:

(a) "Health care professional" means a physician, physician assistant, nurse, dentist, or mental health therapist.

(b) "School personnel" means a school district or charter school employee, including a licensed, part-time, contract, or nonlicensed employee.

(2) School personnel may:

(a) provide information and observations to a student's parent about that student, including observations and concerns in the following areas:

(i) progress;

(ii) health and wellness;

(iii) social interactions;

(iv) behavior; or

(v) topics consistent with Subsection 53E-9-203(6);

(b) communicate information and observations between school personnel regarding a child;

(c) refer students to other appropriate school personnel and agents, consistent with local school board or charter school policy, including referrals and communication with a school counselor or other mental health professionals working within the school system;

(d) consult or use appropriate health care professionals in the event of an emergency while the student is at school, consistent with the student emergency information provided at student enrollment;

(e) exercise their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of Section 53G-8-205; and

(f) complete a behavioral health evaluation form if requested by a student's parent to provide information to a licensed physician or physician assistant.

(3) School personnel shall:

(a) report suspected child abuse consistent with Section 80-2-602;

(b) comply with applicable state and local health department laws, rules, and policies; and

(c) conduct evaluations and assessments consistent with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

(4) Except as provided in Subsection (2), Subsection (6), and Section 53G-9-604, school personnel may not:

(a) recommend to a parent that a child take or continue to take a psychotropic medication;

(b) require that a student take or continue to take a psychotropic medication as a condition for attending school;

(c) recommend that a parent seek or use a type of psychiatric or psychological treatment for a child;

(d) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments; or

(e) make a child abuse or neglect report to authorities, including the Division of Child and Family Services, solely or primarily on the basis that a parent refuses to consent to:

(i) a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or

(ii) a psychiatric or behavioral health evaluation of a child.

(5) Notwithstanding Subsection (4)(e), school personnel may make a report that would otherwise be prohibited under Subsection (4)(e) if failure to take the action described under Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of others.

(6) Notwithstanding Subsection (4), a school counselor or other mental health professional acting in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or licensed through the state board, working within the school system may:

(a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

(b) recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;

(c) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child in accordance with Section 53E-9-203; and

(d) provide to a parent, upon the specific request of the parent, a list of three or more health care professionals or providers, including licensed physicians, physician assistants, psychologists, or other health specialists.

(7) Local school boards or charter schools shall adopt a policy:

(a) providing for training of appropriate school personnel on the provisions of this section; and

(b) indicating that an intentional violation of this section is cause for disciplinary action consistent with local school board or charter school policy and under Section 53G-11-513.

(8) Nothing in this section shall be interpreted as discouraging general communication not prohibited by this section between school personnel and a student's parent.

(Refer to Attachment 3308A located at the end of this section.)

3309 Seat Belts

Seat belts are required to be worn by all students, adult students, drivers and passengers driving or riding in any vehicle while doing business for Guadalupe School.

3310 Pets

The following policy has been established to provide for the health and safety of Guadalupe School students, faculty, staff, and visitors and for the responsible management and operation of the school.

Beyond the obvious concerns for personal welfare and property maintenance, it is hoped that this policy will foster an atmosphere where all can enjoy the campus in a comfortable and relaxed setting.

- Pets/animals are only allowed on the campus for school authorized purposes such as classroom sharing or a teacher planned learning experience.
- Teachers will provide parents and guardians with information about the classroom pet, the purpose of acquiring the animal (how its care will fit into the curriculum), and a plan for how any injuries (bites, scratches) will be managed should they arise.

- In all cases authorization by the Charter School Principal or Executive Director will be obtained by the teacher in advance.
- While on school property the pet/animal must be on a leash, in a cage and/or under the owner's control at all times.
- The owner must also have a means to clean up after the pet, specifically; the owner shall possess the means of removal of any urine or fecal matter left by the pet/animal. Cleanup should be thorough enough so as to generate no additional work for the maintenance staff.
- Students are prohibited from bringing their home pets to school.

This policy does not apply to registered service animals.

Considerations to make in advance:

Before acquiring a classroom pet, the educator will investigate whether any student is:

- allergic or sensitive to any particular species or their food or bedding materials
- immune compromised, and therefore more susceptible to zoological illnesses

Type of pet:

- only domestic animals may be kept as pets
- wild animals may not be kept as pets (this includes locally caught frogs, snakes, etc.)
- animal must be diurnal (awake during the day)

Responsibilities:

The primary educator in the classroom is considered the animal's guardian/caregiver, and is responsible for ensuring that all of the animal's physical and psychological needs are met.

The animal's guardian is responsible for:

- Researching the animal's species and consulting reliable sources (veterinarian, humane educator) regarding appropriate diet, housing, exercise, and socialization.
- Ensuring that the animal is fed appropriately, handled properly, and that its habitat is cleaned regularly; using logs to track feedings and cleanings is recommended.
- Seeking regular and emergency veterinary care for the animal (including vaccinations required by state law), and is responsible for all veterinary fees
- Taking the animal home during weekends, holidays, and vacations
- Continuing to care for the animal at home in the event that a future student is allergic and the animal is unable to live in the classroom

Other criteria:

- Classroom pets are not permitted to breed; if several animals of the same species are being maintained as classroom pets, males and females should be kept separate at all times
- Students will only handle the animal under direct supervision of an adult
- If students are given responsibilities for feeding the animal or cleaning the animal's habitat, this will be assigned as a reward not as a punishment, and students will be supervised during all interactions

- Students must wash their hands prior to and after handling the classroom pet or cleaning its habitat
- Animals will be housed in a quiet area of the classroom away from windows, direct sunlight, heating vents, and drafts
- The heat in the classroom will be kept within an acceptable range during the nighttime

3311 Transferring *Students*

Guadalupe reserves the right to consider the school from which a student wishes to transfer based on the facts, as they are known to Guadalupe, for the purpose of granting admission into Guadalupe and Guadalupe's programs.

Pursuant to Utah R277-419-11, Guadalupe will ensure that proper documentation is retained which shows the proper transfer code is entered in the student information system for students that transfer from the LEA

3312 Disposal of Textbooks in Public Schools

All textbooks are kept by the school ~~for~~ as additional resources and materials for the school internally. If it is determined that textbooks are not needed, Guadalupe will dispose of the books in the following manner.

- Find another educational facility that would purchase the books.
- Find another educational facility that would take the books for no cost.
- Recycle the books in an environmentally friendly way.

34 CPR 300.160 3313 Testing Procedures Policy

- The academic testing policy at Guadalupe School is as follows:
- Assessment is ongoing; it does not happen just at the end of learning.
- Teachers give students many opportunities to show their understanding.
- Assessments are differentiated.
- Assessment results inform teachers, students, and curriculum decisions.
- Assessments are both formative and summative.
- Assessments are based on a clear set of criteria.
- Assessments are relevant and appropriate; they assess knowledge and/or skills.
- Teachers give students timely feedback.
- Assessment results are easily understood by others.
- Modifications are made when necessary.
-

3314 Student Supervision

Staff members should never leave students unattended and without the supervision of a paid school employee or a school volunteer who has been fingerprinted and has had a background check.

No teacher, staff member, or administrator should be alone in a room with a student without an open door or an uncovered window.

Children will be allowed to use the bathroom or get a drink independently with permission from a staff member. If a child has not returned to class within 5 minutes, a staff member will check on him/her.

3315 Procedural Safeguards

Children with disabilities and their parents are afforded the appropriate procedural safeguards.

3316 Evaluation

Children with disabilities are appropriate evaluated.

.

3400 PARENTS

3401 Parent Compact

The Parent Compact agreement between student, parent, administrator and teacher outlines steps to be taken to help any student to succeed in school. This agreement will be reviewed annually by parent, administrator and teacher.

(Refer to Attachment 3401A located at the end of this section.)

3402 Parent Concerns

Parents/guardians may occasionally have a concern in regard to a particular aspect of the school. Open and honest communication between parents and the school is welcomed and encouraged. In order for the staff of Guadalupe to best meet the needs of the student and the school, parents are asked to adhere to the following procedure when addressing concerns:

- Begin by first addressing the concern with the teacher or individual with whom the concern is directly related.

- If the teacher or individual is not able to resolve the concern to the parents' satisfaction, the concern should then be addressed with the Principal and/or Executive Director.

- If the Principal or Executive Director cannot resolve the issue satisfactorily, he/she will provide the parents with a "Confidential Review of Concerns" form. This confidential form may be submitted to the Chair/President of the Charter Board of Directors. Parents may choose to either present their case directly to the Charter Board of Directors or have the case presented on their behalf by the Chair/President of the Charter Board of Directors. The Charter Board of Directors will respond as quickly as circumstances dictate, not to exceed 45 days.

3403 Parent Grievance Guidelines

If a parent feels the school has been unfair or feels there are special reasons that have not been considered, a parent has the right to appeal any action by following these guidelines:

- Individuals with complaints should initially attempt to resolve the problem by addressing the people directly involved.
- If disagreements cannot be resolved individually, the Principal or Executive Director may serve as mediator to resolve concerns and facilitate understanding.

- Problems that cannot be resolved with the Principal or Executive Director may be presented to the Charter Board of Directors for consideration. The issue should be stated in writing and should specify the prior attempts at resolution both individually and with the Principal or Executive Director. The Charter Board of Directors will investigate the complaint and make a decision according to the student's best interest.
- To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer.

Parents of students served under Section 504 or IDEA will work closely with the special education teacher to ensure that services provided are in accordance with state and federal law, and the student's IEP. If parents choose to file a formal complaint in writing, the Executive Director and/or Charter Board of Directors will gather information and conduct an internal investigation according to the procedures outlined in the Utah State Board of Education's Special Education Rules Section IV.G. Within 30 days, a written statement of decision in regards to the complaint will be sent to the complainant and a copy will be sent to the State Director of Special Education. This statement will include the parent's right to appeal the decision to the USOE.

3404 Parent Responsibilities

Parents/guardians have the responsibility to:

- Read and understand the Guadalupe Policy and Procedure Book and the Parent Handbook. All families must agree to abide by all school rules as outlined therein.
- Send students to school on time daily and prepared to learn.
- Oversee student work and encourage student to put forth his/her best effort.
- Demonstrate respect for all persons in the school community, including students, staff, and other parents
- Develop a partnership with the teacher to support student education.
- Communicate regularly with the teacher regarding individual student progress and achievement
- Sign and return all papers and communications requested by teachers and staff members.
- Refrain from smoking inside school or on school property.
- Refrain from carrying weapons inside school or on school property regardless of state permit or license (exception for federal and local law enforcement personnel only).
- Put forth his/her best effort to participate in volunteer opportunities or contribute to the school in other capacities as able.
- Keep student and/or school information confidential.

3405 Parent Rights

Parents/guardians have the right to:

- Prevent disclosure of student information, as allowed under FERPA and PPRA.
- Review and inspect curriculum.
- Receive an annual briefing regarding parental rights.
- Exempt children from specific school curriculum based on personal judgment or beliefs
- Communicate with or have access to the Principal, Executive Director and/or the Charter Board of Directors in a timely manner, as deemed necessary.
- Visit the school and enter into classrooms in accordance with the school's open door policy. All visitors are required to check-in at the office to obtain a visitor pass. In order to prevent disruption of the learning process, infants and preschool age children and otherwise distracting behavior are not allowed in the classroom.
- **53G-6-803. Parental right to academic accommodations.**

(1) (a) A student's parent is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent. As such, a student's parent has the right to reasonable academic accommodations from the student's LEA as specified in this section.

(b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.

(c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent as a user of the public education system.

(d) An accommodation under this section may only be provided if the accommodation is:

(i) consistent with federal law; and

(ii) consistent with a student's IEP if the student already has an IEP.

(2) An LEA shall reasonably accommodate a parent's written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.

(3) An LEA shall reasonably accommodate a parent's initial selection of a teacher or request for a change of teacher.

(4) An LEA shall reasonably accommodate the request of a student's parent to visit and observe any class the student attends.

(5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:

(a) the parent submits a written statement at least one school day before the scheduled absence; and

(b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.

(6) (a) An LEA shall reasonably accommodate a parent's written request to place a student in a specialized class, a specialized program, or an advanced course.

(b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).

(7) Consistent with Section 53E-4-204, which requires the state board to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit toward high school graduation without completing a course in school by:

(a) testing out of the course; or

(b) demonstrating competency in course standards.

(8) An LEA shall reasonably accommodate a parent's request to meet with a teacher at a mutually agreeable time if the parent is unable to attend a regularly scheduled parent teacher conference.

(9)(a) At the request of a student's parent, an LEA shall excuse a student from taking an assessment that:

(i) is federally mandated;

(ii) is mandated by the state under this public education code; or

(iii) requires the use of:

(A) a state assessment system; or

(B) software that is provided or paid for by the state.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:

(i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:

(A) does not place an undue burden on a parent; and

(B) may be completed online; and

(ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school accountability or employee evaluations due to a student not taking an assessement under Subsection (9)(a).

(c) An LEA:

(i) shall follow the procedures outlined in rules made by the state board under Subsection (9)(b) to excuse a student under Subsection (9)(a);

(ii) may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the state board under Subsection (9)(b); and

(iii) may not provide a nonacademic reward to a student for taking an assessment described in Subsection (9)(a).

(d) The state board shall:

(i) maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and

(ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

(10)(a) An LEA shall provide for:

(i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53G-8-204; and

(ii) a parent's signature acknowledging receipt of the school's discipline and conduct policy.

(b) An LEA shall notify a parent of a student's violation of a school's discipline and conduct policy and allow a parent to respond to the notice in accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.

•

3406 Parent Involvement

The Board of Trustees (BOT) of Guadalupe Charter School believes that all parents and families want the best for their children and acknowledges research showing that children do best when parents are enabled to play five key roles in their children's learning:

- Teachers – Helping children at home
- Supporters – Contributing their skills to the school
- Advocates – Helping children receive fair treatment and quality education
- Decision-makers – Participating in joint problem-solving with the school
- (5) Monitors – Monitoring their child's academic progress.

The BOT recognizes parents/guardians are full partners with educators, administrators, and the Board to achieve the best possible learning experience for each child. A strong program of communication between home and school must be encouraged, continually evaluated and maintained so the school and community are connected in meaningful and productive ways.

Part I. – General Expectations

Guadalupe School's school-wide Parental Involvement Policy establishes the school's expectations for parental involvement [Section 1118(a)(2), ESEA.] The policy is the outcome of joint development, and agreement, between school leaders and parents of participating children.

The Guadalupe School agrees to implement the following statutory requirements:

- Guadalupe School will put into operation programs, activities and procedures for the involvement of parents, consistent with section 1118 of the Elementary and Secondary Education Act (ESEA). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.

- Consistent with section 1118, Guadalupe School will work to ensure that the required school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and each include, as a component, a school-parent compact consistent with section 1118(d) of the ESEA.

- Guadalupe School will incorporate this school wide parental involvement policy into its plan developed under section 1112 of the ESEA.

- In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, Guadalupe School will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format

and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.

- If the LEA plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, Guadalupe School will submit any parent comments with the plan when it submits the plan to the Utah State Department of Education.

- Guadalupe School will involve the parents of children served in decisions about how the 1 percent of Title I, Part A funds reserved for parental involvement is spent, should the Title IA allocation exceed $500,000, and will ensure that not less than 95 percent of the one percent reserved goes directly to the school. [In 2012-13 the Title IA allocation to Guadalupe School is $66,462, well below $500,000]

- Guadalupe School will be governed by the following statutory definition of parental involvement:

Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

(A) That parents play an integral role in assisting their child's learning;

(B) That parents are encouraged to be actively involved in their child's education at school;

I That parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;

(D) The carrying out of other activities, such as those described in section 1118 of the ESEA.

Part II – Policies and Procedures

1. Guadalupe School will take the following actions to involve parents in the joint development of its school wide Parental Involvement Plan (PIP) under section 1112 of the ESEA:

   - Establish parental participation in the development and annual review of the School Wide Parental Involvement Plan (PIP), as described in 2006-07 Title I –Part A – LEA Plan. This plan is to be reviewed annually by the BOT.

   - Additional parent input in the PIP development and review process will be solicited at general meetings of the parent involvement committee, and through questions included in parent opinion surveys.

2. Guadalupe School will take the following actions to involve parents in the process of school review and improvement under section 1116 of the ESEA:

   - Complete the school's annual Accountability Plan in conjunction with the Parental Involvement Committee, which includes performance measures for student achievement, parental involvement, and other topics then gain the Charter Board approval.

   - Gather data and other information, then conduct an annual review of accomplishments as compared with performance measures, prepare and forward an annual report that will be presented to the Parental Involvement Committee and the Charter Board.

3. Guadalupe School will provide the following necessary coordination, technical assistance, and other support in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:

- Hire and support a Parent Coordinator, through the United Way of Salt Lake, whose responsibility is to manage parental involvement activities and serve the needs of parents so they may support their children to learn more effectively.

- Establish parental participation in the coordination, technical assistance, and other support in planning and implementing effective parental involvement activities by ensuring the presence of parents on the school's Charter Board, which includes responsibilities for creating and monitoring the school's Parental Involvement Plan.

- Develop, implement, and assess the outcome of educational, volunteer, and family support activities provided in the annual Parental Involvement Plan.

- Conduct performance and process assessments to determine the effectiveness of parental involvement activities. Analyze assessment outcomes and use results to inform follow up planning.

4. Since Guadalupe School operates programs such as Pre-Kindergarten, Toddler Beginnings and In-Home, the Charter School will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under the following other programs by:

- Identify the Parent Coordinator's responsibilities in serving as a liaison to related pre-school programs and for managing parental involvement activities associated with them.

- Monitor, and assess preschool programs and their relationship to the Charter School's education program as provided in the annual Parental Involvement Plan by comparing actual with target outcomes, and by collecting and analyzing parental opinion.

5. Guadalupe School will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of the school. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). Guadalupe School will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

- Establish parental participation in the development and annual review of the Parent Involvement Policy and School Wide Parental Involvement Plan (PIP) by ensuring the presence of one or more parents on the school's Charter Board, which includes responsibilities for developing the school's Parental Involvement Policy and evaluating its content and effectiveness.

- Committee members administer a parent satisfaction survey, which is consistent with parent involvement performance measures presented in the school's Annual Report. They analyze the survey opinion, create venues for the presentation of survey outcomes to parents, their comments and

combine them, and make recommendations concerning retentions and modifications to the policy, and offer strategies for improvement of parental involvement to the Charter Board each year in June.

Parents will carry out two roles in the process. First, one or two parents will contribute to the creation of parent involvement performance measures in the Accountability Plan, the Parent Involvement Policy, and Plan. They will participate in the refinement, administration, analysis and presentation of the parent opinion survey, and Second, all parents will have the opportunity to express their opinions about the parent involvement policy, plan, and programs in the survey. They will also be invited to respond a presentation of survey outcomes, and offer any other comments regarding the school's parental involvement process and programs they wish to make.

PART III. – Capacity Building for Parental Involvement – 53G-6-803

Guadalupe School will build the school's and parents' capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, the parents, and the community to improve student academic achievement, through the following activities specifically described below:

Guadalupe School will provide assistance to parents of children served by the school, as appropriate, in understanding topics such as the following, by undertaking the actions described in this paragraph:

- The USOE academic content standards.
- The USOE student academic achievement standards.
- The State and local academic assessments including alternate assessments
- How to monitor their child's progress.
- How to work with educators.

Each year the Principal will lead members of the school community, including parents, in the development, implementation, and assessment of the school's Parent Involvement Plan. The plan will be presented to the Charter Board, and will provide for educational, volunteer, and support activities for parents as follows:

- **Education** – Parents will be encouraged to participate in workshops, conferences, and classes designed to help them support the learning of their children. These resources will include recommendations for homework support, test preparation support, preparation for volunteer work, and interactions with staff members, such as classroom teachers, the parent coordinator, principal, and other administrators.

- **Volunteer Opportunities –** Parents will be encouraged to participate at the school as volunteers in classrooms, throughout the school during regular school hours, after school, and in the summer. They will also be encouraged to participate in field trips, and special events, such as evening programs and fund raising. The Parental Involvement Plan will include an appendix containing a listing of volunteer activities and a description of the process for becoming a volunteer.
- **Family and Individual Support –** The school's Parent Coordinator, operating under the direction of the Principal will create, implement, and assess the impact of supports for individuals and families.

B. Guadalupe School will provide materials and training to help parents work with their children to improve their children's academic achievement, such as literacy training, and using technology, as appropriate, to foster parental involvement, by:

- Determination of parent needs for some combination of literacy training, use of technology, parenting and other topics, through opinion surveys and scientifically-based research.
- A free seminar is provided annually for parents, beginning after 6:00 pm, addressing substance abuse, bullying, mental health, internet safety and suicide prevention
- Inclusion of a parent education strategy in the Parental Involvement Plan.
- Implementation and monitoring the impact of the parent education strategy.
- Assessing the impact of the strategy by comparing outcomes with expectations and by collecting and analyzing parent and staff opinion through survey.

C. Guadalupe School will, with the assistance of its parents, educate its teachers, pupil services personnel, principal and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by:

- In the Parental Involvement Plan and Professional Development process, establishment of one or more strategies for the education of staff members about effective outreach to parents.
- Implementation and monitoring the impact of the staff education strategy.
- Assessing the impact of the strategy by comparing outcomes with expectations and by collecting and analyzing parent and staff opinion through survey.

D. Guadalupe School will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Pre-Kindergarten, Toddler Beginnings, and In-Home Programs and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children, by:

- Collection of parental opinion about the need for and desirable attributes of preschool and other programs conducted in relation to the school's education program.
- Design of the integral links between specific Guadalupe School preschool programs and the school's charter education program, including the role of parents in the process.
- Identification of the need's parents have for supporting their children and meeting those needs.
- Monitoring the cooperative relationship and programs to ensure high outcomes are consistent with expectations.

E. In accordance with 53G-7-221, Guadalupe School will take the following actions to ensure that information related to the school and parent- programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand:

- The Parental Involvement Plan will include a strategy for interaction with parents. The strategy will include communication through newsletters, meetings, and the Internet, as well as contact between staff members and parents.
- Implementation of the strategy will be the responsibility of the Parent Coordinator, who will also collect feedback from parents.
- Parents will be asked to appraise communication and contact each year when they complete the annual parent opinion survey.

PART IV. – Discretionary School wide Parental Involvement Policy Components

Guadalupe School Parental Involvement Policy includes other discretionary activities that the school, in consultation with its parents, ~~which it~~ has chosen to undertake to build parents' capacity for involvement in the school and school system to support their children's academic achievement. The following activities, which are listed under section 1118I of the ESEA, include:

- Involving parents in the development of training for teachers, principal, and other educators to improve the effectiveness of that training;
- Providing necessary literacy training for parents from Title I, Part A funds, if the school has exhausted all other reasonably available sources of funding for that training;
- Paying reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- Training parents to enhance the involvement of other parents;
- In order to maximize parental involvement and participation in their children's education, arranging school meetings at a variety of times, or conducting in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend those conferences at school;
- Adopting and implementing model approaches to improving parental involvement.
- Establishing a school wide parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs;
- Developing appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities; and

Providing other reasonable support for parental involvement activities under section 1118 as parents may request.**3407 Title I - Parent Engagement**

Purpose

Guadalupe school receives Title I funds and must jointly develop a parent and family engagement policy as required by Section 1116 of the Every Student Succeeds Act (ESSA). This policy establishes Guadalupe School's objectives for meaningful parent and family engagement in order to support the role families play in the education of their children.

A) Jointly Developed

Guadalupe School believes all parents and families want the best for their children. It acknowledges parents and families as full partners in their child's education and ensures their inclusion, as appropriate, in decision-making and advisory committees to assist in their child's education. Guadalupe School's school-wide Parent and Family Engagement Policy establishes the school's expectations for parental involvement. The policy is the outcome of joint development and agreement between school leaders and parents of participating children. Each year, Guadalupe School's Administrator will work with the Guadalupe School Family Advocate and the Parent Involvement Committee (PIC) Admin to revise and approve a new Parent Engagement Policy and Parent Compact.

B) Parent/Family Input

1. Guadalupe School will build upon strong parent/family engagement through collaboration between families and the school to develop, implement, and assess educational, volunteer, and family engagement programs by:
    a. Providing a copy of the Parent and Family Engagement Policy and the Parent and School Compact at the beginning of each school year. These documents will also be available on the Guadalupe School website.
    b. Conducting an annual review and evaluation of the Parent and Family Engagement Policy and Parent School Compact and the school improvement plan through Guadalupe School's needs assessments surveys, comments made by parents and families in Parent Involvement Committee (PIC) meetings, Parent Teacher Conferences, or through other communication as needed. Information from these evaluations will be considered and implemented as appropriate.
        i. Parents will be encouraged to evaluate opportunities for participation and communication each year through the annual parent involvement survey.
    c. Providing equal opportunities for participation of parents and families with limited English proficiency, parents and families with disabilities, parents and families with limited literacy, and parents and families of racial or ethnic minority backgrounds.
    d. Conducting opinion surveys.
2. Guadalupe School will include opportunities for communication between families and the school. This will include newsletters, monthly PIC meetings, and electronic communication between staff members and parents through online platforms/apps in compliance with FERPA.
    a. Guadalupe School will hold parent and family meetings (PIC meetings) at flexible times during the school year to provide parents and families with ongoing information and collect feedback on meaningful parent and family engagement opportunities.
    b. The Guadalupe School Family Advocate will collect and share feedback from families unable to attend PIC meetings.
    c. The Guadalupe School Family Advocate will contact families at least once through phone calls, text messages, or email to extend a personal invitation to attend a PIC meeting in person.
3. Guadalupe School will provide families with opportunities to participate in the development and support of the school plan to support their children's academic achievement. Parents will be informed of the school goals for academic success, the steps taken to ensure goals are met, and regular communication about the progress in meeting established goals.
    a. Guadalupe School will ensure parents/families are aware of the proficiency levels their children are expected to meet through:
        i. Parent Teacher Conferences twice a year.
        ii. Report cards are distributed at the end of each semester.
        iii. The opportunity for parents to request a meeting with the child's teacher and/or Guadalupe School Admin as appropriate when needed.

C) Annual Title I Meeting

Guadalupe School will convene annually during the first PIC meeting of the school year to inform parents of the following:

- Guadalupe School's participation in Title I
- The requirements of Title I
- The rights of parents at a Title I school

D) Communication

1. Guadalupe School will provide parents and families timely information about the Title I programs in

which the school participates by:

a. Distributing a copy of the updated version of the Parent and Family Engagement Policy and the School and Parent Compact to parents and family members at the beginning of each school year.
b. Providing information related to Title I programs, meetings, and other activities to parents in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand.

E) School-Parent/Family Compact

Guadalupe School will ensure that the required school-level parent and family involvement policies meet ESSA requirements and include a school-parent compact consistent with ESSA.

- PIC Administration will work with the Guadalupe School Family Advocate and Guadalupe School Administrators to develop a Parent and School Compact to support student academic achievement.
- PIC Admin and the Guadalupe School Family Advocate will create opportunities for parent and family feedback on the responsibilities listed in the Parent and School Compact.
- PIC Admin will survey parents and families on the effectiveness of the Parent and School compact and use the information gathered to revise the compact as needed annually.

F) Capacity Building

Guadalupe School will build the parents' capacity for strong parent and family engagement to ensure effective engagement of parents. Guadalupe school will support a partnership among the school, parents and families, and the community to improve student academic achievement through the following:

1. Providing a description and explanation of the curriculum in use at the school and the forms of academic assessment used to measure student progress.
2. Providing parents and families with materials and training to help support their child in improving their academic achievement, such as literacy training and using technology safely, as appropriate, to foster parent and family engagement.
3. Providing parents and families with information at parent-teacher conferences about their child's state testing and common formative assessments.
4. Scheduling PIC meetings, conferences, and parent and family engagement events in a way that will support parent and family member involvement and participation.
5. Annual feedback from parents and families through a variety of methods such as parent surveys, needs assessments, parent-teacher conferences, and parent and family engagement events.
6. Providing assistance to parents and families, as appropriate, in understanding topics such as:
    a. Academic content standards
    b. State and local academic assessments, including alternate assessments
    c. How to monitor their child's progress, and
    d. How to work with educators.

G) Annual Evaluation

1. Guadalupe School will establish family participation in the development and annual review of the Parent Engagement Policy by ensuring the presence of one or more parents on the school's Charter Board. This will include the responsibility of developing and evaluating the effectiveness of the school's Parent Engagement Policy by:
    a. The PIC admin administers a parent survey to determine barriers to family engagement and strategies to support stronger family-school interactions. This information will be presented to the PIC and Guadalupe School Charter Board at the final meetings of each school year.
    b. Actively soliciting feedback from parents and students through surveys, focus groups, and the PIC.

3500 Student Information

3501 Student Memberships

According to R277-419-7, LEA has developed and implemented policies and procedures to ensure membership is recorded and reported accurately according to the 10-day rule and/ or learner validated enrollment measurements.

3502 Child Find

All Children with disabilities residing in the District or enrolled in the Charter School, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located and Evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

4000 PERSONNEL

4100 ACTIVITIES

4101 Alcohol, Drug and Tobacco-free Workplace

In accordance with the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F, Guadalupe will maintain and enforce a drug and alcohol-free workplace. The school will provide a safe and productive workplace free from possession, manufacture, use, or distribution of tobacco, alcohol, or illicit drugs.

I. Policy Objectives

a. Guadalupe strives to provide employees with a safe, healthy, and productive work place. All employees are expected to report to work on time and in suitable physical and mental condition to perform assigned work duties safely and effectively. We intend to comply with applicable legal requirements regarding drugs or alcohol in the workplace. The unauthorized possession, distribution, purchase, sale, manufacture or use of illegal drugs or alcohol is also strictly prohibited. Off-the-job drug or alcohol use that may adversely affect work performance and/or safety is also prohibited. Violations of this policy are serious and may result in corrective action, up to and including termination.

II. Impairment

a. Impairment is defined as being under the influence of alcohol, any drug, or the combined influence of alcohol and any prescription, over the counter or illegal drug to the degree that it impairs or adversely impacts the employee's ability to perform job duties, safely operate a vehicle, and/or equipment, or to be aware and alert.

b. For purposes of this policy a positive drug test for marijuana, medical or otherwise, will constitute conclusive evidence of impairment.

III. Using Medications

a. Employees are expected to use legally obtained substances, including consumer products, over the counter medicines, or prescribed medications, according to recommended/ prescribed use and dosage. Misuse of such substances; using an over the counter medication that is not legal in the U.S.; or using a prescribed medication that is not prescribed to you, is prohibited.

b. Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, it is a violation of this policy to have a verified positive test for, but not limited to: marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines and the metabolites of these drugs.

c. Employees are responsible to inform any health care provider prescribing medication of their job requirements to avoid potential performance and/or safety problems at work. If the prescribed medication could affect job performance and/or safety, then the employee is responsible for notifying his or her supervisor immediately. With input from the employee, Guadalupe will determine if the employee should work in their regular job, be temporarily assigned to another job, or placed off-work.

IV. Using Illegal Drugs

a. The unauthorized possession, transportation, distribution, purchase, sale, manufacture or use of illegal drugs is strictly prohibited. Illegal drugs include any federally controlled substance that an employee may not legally possess under both federal and/or state law.

V. Using Alcohol

a. The use of alcoholic beverages by employees while working or on Company premises is inconsistent with the objective of working in a safe and efficient manner. No employee shall report for duty or remain on duty while having an alcohol concentration in excess of 0.02 breath alcohol concentration.

b. No CDL employee may report for duty within four hours of consuming alcohol or consume any alcohol while on duty. Nor may a CDL employee report for duty or remain on duty while having a breath alcohol concentration in excess of 0.02.

c. No employee may bring alcohol onto Guadalupe premises or property; exceptions require prior written approval by the Executive Director. To preserve brand integrity and maintain positive public relations, employees who drive Guadalupe owned vehicles with the Guadalupe logo visible, may not possess or transport alcohol in the vehicle at any time. Employees who drive Guadalupe leased or owned vehicles, where no Guadalupe logo is visible, may possess alcohol in closed containers for personal consumption while off duty, consistent with state motor vehicle laws. Employees who drive personal vehicles for Guadalupe business, where no Guadalupe logo is visible, may also possess alcohol in closed containers, consistent with state motor vehicle laws.

d. At times, employees may attend social or business events where alcohol is served. Employees may drink alcohol at these events, but it is not acceptable to drink so much that one becomes impaired. When on Company business, it is important that employees behave responsibly and professionally. At no time should an employee operate a vehicle while impaired. Employees may not consume alcohol if they will be returning to work that same day.

VI. When Testing Mag Be Required

a. Testing May Be Required - Applicants and current employees are required to submit to testing in the following circumstances as a condition of employment:

i. When an injury occurs on the job, if it has been determined there is a reasonable basis that drug or alcohol use by the employee could have contributed to the injury.

ii. When there is an accident involving a vehicle or machinery owned or leased by the Company

iii. When there is an accident involving a vehicle owned by the employee while conducting company business.

iv. In instances of promotion or reclassification of employees into CDL positions.

v. During a DOT physical exam.

vi. When Guadalupe has reasonable suspicion to believe that an employee is under the influence of drugs or alcohol.

vii. On a periodic random basis.

viii. As a prerequisite to employment, after an offer has been extended conditional on the test results.

ix. As a requirement to return to duty following a positive test.

b. In many of the above-reference circumstances, drug and/or alcohol testing is mandatory for CDL employees under 49 C.F.R. § 382:

c. Prospective CDL employees may undergo pre-employment drug testing prior to employment.

d. Company drug and alcohol testing is separate and independent of testing by law enforcement or any governmental agency. Thus, Guadalupe may require a drug or alcohol test even though a test has already been conducted by law enforcement or any governmental agency.

VII. Methods of Testing

a. The Company may test for drugs or alcohol in a variety of ways: urine tests, breath tests, saliva tests, blood tests, or hair tests.

b. All testing will be conducted at designated facilities by medical professionals and their staff ("Testing Sites"). "Testing Sites" will comply with all state and federal requirements and will conduct tests in a professional manner that respects the employee's privacy and preserves confidentiality. Except as required by 49 C.F.R. § 40.67, no employee may be directly observed while giving a urine sample. If the sample is determined to be diluted, the employee may be required to provide an additional urine sample. Testing facilities will maintain proper documentation and will follow proper chain-of-custody procedures. All urine tests of CDL employees will be by split specimen.

c. The time current employees spend traveling to, waiting for, and undergoing drug and alcohol testing is considered compensable work time.

d. A refusal to be tested may be grounds for termination. A refusal to be tested may consist of failure to report to the Testing Site when required, failure to provide a sample, failure to follow the instructions of or to cooperate with the individual(s) collecting the sample or conducting the test, or provision of an adulterated or substituted urine sample. For purposes of

disciplinary action, we will treat a refusal to be tested as a verified positive test.

VIII. Reasonable Suspicion

a. Drug and alcohol tests may be conducted where Guadalupe reasonably believes the employee has in any way violated this policy on the basis of observable factors such as erratic or poor job performance, patterns of poor attendance, unusual appearance or behavior, or other information provided from reliable sources.

b. Employees tested under this provision shall be removed from any role until the results of the tests have been reviewed by Human Resources and confirmed negative.

IX. Testing for Alcohol and Drugs

a. **Positive Result**

i. A positive result on a drug test is a result that shows the presence of controlled substances above the cutoff concentrations set by the Federal Motor Carrier Safety Administration, which are found at 49 C.F.R. § 40.87, or as set by Guadalupe. A positive result must be confirmed by the Primary Laboratory through gas chromatography—mass spectrometry or another reliable scientific testing technique. A positive result will also be verified by Human Resources. Human Resources shall also review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. In the case of reasonable- suspicion testing or post-accident testing, the employee should be suspended from his or her duties on the basis of the suspicious behavior or the accident, unless and until the drug test shows a negative result. In the case of random testing, a positive result should not be communicated to Guadalupe management and should not form the basis for disciplinary action or suspension unless and until it is verified by Human Resources.

b. **Testing Procedures**

i. Following an initial positive result, CDL-employees may request that their split specimen be sent to the Secondary Laboratory for confirmation testing. Employees must make this request within 72 hours of receiving notification of a positive result or a result of adulteration or substitution.

ii. Following an initial positive result, non-CDL employees may request that their original sample undergo confirmation testing by the Secondary Laboratory. Employees must make this request within 7 days of receiving notification of a positive result or a result of adulteration or substitution.

iii. Employees are responsible for the costs of confirmation testing by the Secondary Laboratory. However, if the results are negative, employees will be reimbursed by Guadalupe for these costs.

c. **Consequences**

i. A positive result on a drug test (or a result that the sample was adulterated or substituted) may be grounds for termination, whether the test was requested or required by Guadalupe, the DOT, law enforcement, or another entity

ii. Although a positive drug test may be grounds for termination, Human Resources may in its discretion, impose other disciplinary or rehabilitative measures in lieu of termination, including but not limited to (1) suspension without pay, (2) an approved rehabilitation, treatment, or counseling program, (3) return-to-duty testing, and/or (4) additional drug or alcohol testing as a condition of employment. The employee may be required to pay for rehabilitative treatment not provided through the Employee Assistance Program.

iii. Under federal regulations, a CDL employee who tested positive for drugs must not resume CDL related functions until: (1) a substance abuse professional has evaluated the employee, provided written reports to Guadalupe, and certified that the employee has completed all recommended rehabilitation, treatment, and/or counseling; (2) the employee has undergone a return-to-duty drug test showing a negative result; and (3) the substance abuse professional has established a follow-up drug testing plan.

iv. Under no circumstances may an employee who has tested positive for drugs be permitted to drive a vehicle owned or leased by Guadalupe for a period of one year. A prospective employee who tests positive for drugs will not be hired and will be ineligible to re-apply for employment with Guadalupe for one year.

d. **Employee Rights**

i. Employees and prospective employees who test positive for drugs will be given written notice of the test result, including which drugs were found in the sample. Employees may be asked by Human Resources to provide a list of any prescription or non-prescription medication taken during the 30 days leading up to the drug test.

ii. Employees will not be terminated or otherwise disciplined if Human Resources determines that a positive result was caused by legal use of a prescription or non-prescription medication.

iii. Employees have the right to meet confidentially with Human Resources to discuss test results and to inform the representative of any information deemed relevant following a positive alcohol or drug test.

X. What measurement is considered Positive for an Alcohol test

a. **What is a positive result?**

i. For CDL and non-CDL employees, a positive result on an alcohol test is a result that

shows a blood alcohol concentration greater than 0.02.

ii. Following a positive result on a screening test that was conducted with a non-evidential device, a confirmation test is required. The confirmation test should be conducted no less than 15 minutes and no more than 45 minutes after the screening test. The confirmation test must be conducted with an evidential breath-testing device capable of producing printed test results. Printed results of the confirmation test must be provided to Guadalupe and to the employee.

iii. Although a positive alcohol test may be grounds for termination, Human Resources in their discretion may impose other disciplinary or rehabilitative measures in lieu of termination. For a non-CDL employee, these measures may include but are not limited to (1) suspension without pay, (2) an approved rehabilitation, treatment, or counseling program, (3) return-to-duty testing showing a blood alcohol concentration below 0.02, and/or (4) additional alcohol testing as a condition of employment. The employee may be required to pay for rehabilitative treatment not provided through the Employee Assistance Program.

iv. If the confirmation test for a CDL employee shows a blood alcohol concentration between 0.02 and 0.039, the CDL employee ***must*** be temporarily removed from (as defined at 49 C.F.R. 382.107) for a period of at least 24 hours.

v. If the confirmation test for a CDL employee shows a blood alcohol concentration greater than 0.04, the CDL employee must be suspended from performing CDL related functions for an indefinite period and may be terminated. At a minimum, the CDL employee must not resume CDL functions until:

1. A substance abuse professional has evaluated the employee and determined what rehabilitation is necessary, provided written reports of the evaluation and any rehabilitation to Guadalupe, and certified that the employee has completed all recommended rehabilitation, treatment, and/or counseling;

2. The employee has undergone a return-to-duty alcohol test showing a blood alcohol concentration below 0.02; and

3. The substance abuse professional has established a follow-up alcohol testing plan.

vi. Under no circumstances may an employee who has tested positive for alcohol be permitted to drive a vehicle owned or leased by Guadalupe for a period of one year. A prospective employee who tests positive for alcohol will not be hired and will be ineligible to re-apply for employment with Guadalupe for one year.

b. **Employee Responsibilities**

i. If employees test positive for alcohol, they may request a copy of the written test results. Employees may also request Human Resources to review the test results and/or discuss them. If employees would like their test results reviewed, they must contact Human Resources within five working days of being notified of their

test results.

ii. In addition, all employees to whom an alcohol test is administered shall have the opportunity to notify Human Resources of any information that they deem relevant following a positive alcohol test. The employees shall also have the right, upon request, to meet with Human Resources in a confidential setting to discuss any such information.

XI. Reporting Arrests and Convictions

a. If an employee is arrested or convicted for a drug or alcohol-related offense, she or he must report this incident in writing to Guadalupe's Human Resources Department within one (1) business day. Failure to do so may result in disciplinary action, up to and including termination of employment.

XII. Searches on Company Property

a. Guadalupe reserves the right to search any employee's work area or Company vehicle, in accordance with federal, state and local laws. Discovery of alcohol or drugs that are not prescribed to the employee may result in disciplinary action up to and including termination of employment.

XIII. Records of Alcohol and Drug Testing

a. The Company will maintain records of all drug and alcohol testing and related matters in accordance with 49 C.F.R. § 382.401.

XIV. Help for Employees

a. Employees who may have drug or alcohol-related problems are encouraged to seek professional help, using our Company-sponsored confidential Employee Assistance Program (EAP.) Consistent with existing Company policy and current Company circumstances, employees may be granted a leave of absence if qualified under the Family & Medical Leave Act or the Americans with Disabilities Amendments Act to voluntarily seek professional help for alcohol or drug dependency.

b. Leaves of absence should be requested prior to any events or circumstances which would warrant drug or alcohol testing under this policy. Employees should contact Human Resources for further information.

c. Any employee who believes drug or alcohol test results are in error and desires a review of any action taken by Guadalupe under this policy may request that the matter be reviewed by Human Resources.

Guadalupe Center recognizes that, depending on how it is used, a personal electronic device may be either valuable instructional tool or a source of disruption. Guadalupe allows the responsible use of cell phones and other electronic devices at work in accordance with all applicable state laws and school rules. The purpose of this cell phone policy is to create consistency in our workplace operations, including how we minimize distractions and allow for normal workflow to continue.

It is Guadalupe's policy that all cell phones will be off or on silent during normal business hours so normal workflow remains undisturbed. It is expected that employees will only use their personal cell phones for emergencies or while taking a break. When using cell phones, employees should move away from colleagues to prevent distractions. Cell phones are not to be used to record or share confidential company information or use the company's network to download illegal or inappropriate materials from the internet.

Cell phone use is prohibited under the following circumstances:

- During meetings, training sessions and presentations
- When child educational employees are interacting with students in the classroom, lunchroom or at recess
- In the kitchen or while operating equipment as cell phone use can present a safety hazard
- While driving a bus

Etiquette for cell phone use in the workplace

- Set cell phones to vibrate and ringtones to silent
- Speak quietly
- Keep calls short
- Take personal calls in private
- Avoid offensive language
- Use texting as a quick and quiet alternative to talking on the phone

Failure to follow this cell phone policy will result in disciplinary action up to and including termination.

4103 Class room conduct

At Guadalupe School, Students should conduct and express themselves in way that is respectful to all individuals. This includes respecting the rights of others to comment and participate fully in class. Classroom misconduct in any behavior which disrupts or interferes with the learning environment.

Examples of Misconduct

Includes, but is not limited to, the following:

1. Engaging in behavior that disrupts or interferes with the learning environment. Behavior such as, but not limited to, talking in class while the faculty member or other students are speaking, using offensive language, creating distractions or disturbances, sleeping, reading unrelated materials, and moving about the classroom is, in many situations, considered disruptive behavior to the learning process.

2. Using cell phone or other electronic devices that disrupt the learning process or teaching environment. Faculty members have the right to restrict the use of electronic devices in their classrooms.

3. Entering the classroom late or leaving the classroom prior to the end of class may be considered a disruption to the learning environment.

4104 Code of Ethics

Business and Workplace Ethics

Guadalupe strives to maintain a high standard of business and workplace ethics. Therefore, Guadalupe expects you to carry out the business of Guadalupe and your job in an ethical and legal fashion. Maintaining these standards of business conduct while you work at Guadalupe is vital to the success of all of us.

4105 Confidential Information

While working for Guadalupe, employees may be trusted with confidential information. Confidential information is typically, but not limited to, information:

- generally unavailable to the public
- involving students, budgets, and future plans
- available to employee in the course of his/her work

Employee must respect the complete confidentiality of such business information at all times. Treat such information with the strictest confidence. Thus:

- Do not use confidential business information to advance own personal interests through investments or in any other way.
- Do not give confidential information to outsiders.
- Do not give such information to fellow employees whose duties do not require that they receive the information.

Following these guidelines will help employee to maintain Guadalupe's trust and confidence.

Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination.

4106 Dating Between Employees

Guadalupe has adopted this policy in recognition of its responsibility to provide guidelines on romantic and sexual relationships with other employees and to caution employees about the potential problems posed by such relationships. These problems include conflicts of interest, interference with the productivity of co-workers, and potential charges of sexual harassment. They can be particularly serious in situations in which one person has a position of authority over the other, such as in a supervisor-subordinate relationship.

Guadalupe does not prohibit consensual romantic relationships between employees, but it does impose the following restrictions:

- Guadalupe strongly discourages supervisors from engaging in romantic or sexual relationships with subordinates and requires the supervisor to disclose the existence of such a relationship. Additionally,

supervisors are required to take steps to resolve any actual or potential conflict of interest or impropriety created by the relationship.

- All employees must avoid romantic or sexual relationships with other employees that create conflicts of interest, potential charges of sexual harassment, or discord or distractions that interfere with other employees' productivity.
- Any romantic relationship between a supervisor and subordinate employee must be disclosed by the supervisor to the Executive Director. The administration must assess the situation and make a recommendation to resolve any actual or potential conflict of interest or impropriety created by the relationship. The recommendation can require the dating couple to determine which partner will resign.

Failure to make required disclosures or comply with a recommendation to resolve a conflict with this policy can result in disciplinary action up to and including termination.

4107 Disciplinary Action

List of Conduct Standards

Guadalupe believes in appropriate standards of conduct for all our employees. If all of us observe these standards, we can operate efficiently and work together harmoniously. Thus, we expect you to follow high standards of fairness in dealing with other employees and with Guadalupe as a whole. Employees who do not follow the expected standards of conduct may be subject to disciplinary action up to and including termination.

Some of the major conduct offenses are listed here. Of course, the list cannot include all possible problems. The matters discussed in the List of Conduct Standards are given as guidelines, and are not intended to be all-inclusive or alter the at-will employment relationship set forth in this Handbook.

Examples of Improper Personal Conduct

- Fighting or engaging in horseplay on Guadalupe premises.
- Using language at work that is harassing, abusive, offensive, threatening, or demeaning.
- Stealing employee or Guadalupe property.
- Behaving in a way that may damage or injure any person or property.
- Removing or transferring Guadalupe property without the written approval of the department supervisor.
- Falsifying Guadalupe records either by what you say or what you write.
- Making entries on another employee's time record or clocking in or out for another employee.
- Appearing on Guadalupe premises or at any Guadalupe-sponsored activities while under the influence of alcohol, drugs, or other non-prescribed medication.
- Possessing, selling, or using alcohol, drugs, or non-prescribed medications on Guadalupe premises or at Guadalupe-sponsored activities.
- Possessing or pretending to possess firearms, explosive materials, chemical agents, or other dangerous weapons while on Guadalupe premises, that jeopardize the well-being of others or their personal property or Guadalupe property.
- Exceeding reasonable personal use of Guadalupe property such as telephones, copy machines, etc.
- Conducting personal business during work or on Guadalupe premises.
- Failing to perform work assignments or disobeying any direction by your supervisor or any other manager.
- Failing to meet acceptable quality and quantity work standards.
- Taking an unauthorized absence from your assigned work location, walking off the job, or interfering with another employee's work.
- Performing any immoral, indecent, harassing, or other generally unacceptable act on Guadalupe premises.

- Engaging in any behavior that is unethical, dishonest, immoral, reckless, damaging, or disruptive to the conduct of business.
- Engaging in any behavior or activity which, in the judgment of Guadalupe is inappropriate, improper, or contrary to the business interest of Guadalupe.
- Refusing or failing to follow a Guadalupe policy or standard.
- Engaging in any illegal activity.
- Being absent from work without notifying your supervisor for two (2) or more consecutive scheduled business days. You will be considered to have abandoned your job, which is considered voluntary termination of your employment.

Examples of Unsafe Conduct

- Performing any unsafe act while on Guadalupe premises (including parking lots) or while engaged in Guadalupe-sponsored activities.
- Failing to use the provided safety devices or failing to follow safety regulations and procedures. Such unsafe acts include, but are not limited to, the following:
  - Unauthorized use of equipment, vehicles, machines, or materials.
  - Committing safety violations that endanger other employees.
  - Using motor vehicles unsafely.

Examples of Endangering Security

- Trespassing in restricted areas.
- Possessing or using any Guadalupe confidential information in unauthorized ways.
- Failing to provide proper identification when asked for it by your Supervisor or other authorized individual.
- Assisting unauthorized individuals to enter the facility or use Guadalupe property without proper approval.

Corrective Action

A high level of job performance is expected of each and every employee. In the event that an employee's job performance does not meet the standards established for the position, employees should seek assistance from their supervisor or manager to attain an acceptable level of performance. If employees fail to respond to or fail to make positive efforts toward improvement, corrective action may ensue, including termination of employment.

It is the policy of Guadalupe to regard discipline as an instrument for developing total job performance rather than as punishment. Corrective action is one tool that the organization may select to enhance job performance. Guadalupe is not required to take any disciplinary action before making an adverse employment decision, including discharge. Corrective action may be in the form of a written or oral reprimand, notice of inadequate job performance, suspension, discharge or in any combination of the above, if the organization so elects. Guadalupe reserves its prerogative to discipline, and the manner and form of discipline, at its sole discretion.

If employees violate established organization procedures, guidelines, or exhibit behavior that violates commonly accepted standards of honesty and integrity or creates an appearance of impropriety, Guadalupe may elect to administer disciplinary action.

4108 Electronic and Telephone Communications

- **All electronic, telephonic communications, and information systems provided by Guadalupe are Guadalupe's property**. All communications and information transmitted by, received from, or stored in these systems, including email, text, instant messages, and voice mail messages (collectively "Electronic Communication"), are also the property of Guadalupe. These systems are to be used solely for job-related purposes.

- **Guadalupe discourages the use of Guadalupe property to send Electronic Communication for purposes other than business purposes**; however, Guadalupe recognizes that from time to time it may be necessary to send personal Electronic Communication. While personal use is not specifically prohibited, it should be kept to a minimum and is subject to the same procedures and policies outlined for business use.

- **All Electronic Communication should be courteous, professional and businesslike. Individuals should refrain from using vulgarities, obscenities, jokes, sarcasm, threats, sexually, racially or otherwise offensive matter or exaggeration in Electronic Communication.**

- **Email "attachments" received from outside of Guadalupe - including ordinary word processing and spreadsheet files - can be infected by viruses.** If at all in doubt, have the attachment scanned for viruses before opening it.

- **Unauthorized access of any other user's messages or files is strictly prohibited.** Never let any unauthorized person use your password, and never write it down anywhere where it might be read by others.

4109 Employee Dress Code

Guadalupe employees may dress in a manner that is not offensive yet reflects their own personal style while adhering to the guidelines outlined in this policy when at work or representing Guadalupe. All employees, regardless of the department they work in, are to be dressed and groomed to a standard appropriate for a professional education organization where children are present and may be influence by adult interaction.

Personal Appearance

This policy has been established so that employees will present themselves in a decent and respectful manner consistent with the culture of Guadalupe, and to maintain necessary safety standards and regulations. If Guadalupe determines that the employee's attire does not meet the appearance standards, the employee will be required to leave the site and return in attire conforming to the standards.

The dress code for Guadalupe's personnel is meant to be a reflection of our professionalism and respect for the people we serve. A few guidelines are listed below to insure this philosophy is met:

- Basic appearance should always be neat, clean, and of a professional nature. Attire should be modest with no visible holes or tears, and should not promote anything profane, vulgar or offensive.
- Casual attire may be considered acceptable attire for some job positions, but should always be in good condition and appropriate to the job function.

Employees are expected to manage personal hygiene habits to ensure cleanliness and avoid body odors.

- Strong perfume, cologne or lotions should not be used.

- Hair must be well groomed and appropriately restrained so not to come in contact with others.
- Facial hair must be well-groomed. In nutritional areas, facial hair must not interfere with the ability to properly perform job functions or use required Personal Protective Equipment (PPE).
- Visible tattoos that are offensive are strictly prohibited at Guadalupe and must be covered using a suitable method.
- Employees should wear jewelry, gauges, or earrings that do not impair the ability to perform job functions, interfere with work, or pose a safety hazard to others.

Dressing in a manner that is controversial or provocative is not appropriate at any time.

Failure to comply with this policy may result in appropriate disciplinary action, up to and including termination of employment.

4110 Employee Progressive Discipline Policy

Policy brief & purpose

Our Progressive Discipline policy outlines the steps we will take to address an employee's misconduct.

We recognize that people make mistakes and our employees may not always follow our policies closely. We want to give our employees a chance to correct their behavior when possible and assist them in the process. We also want to ensure that serious offenses are thoroughly investigated and dealt with.

Scope

This policy applies to all our employees.

Policy elements

Our disciplinary process has four steps of increasing strictness. These steps are:

1. Verbal warning - Informal meeting with supervisor
2. Written warning - Formal reprimand with HR involvement
3. Final written disciplinary meeting with HR
4. Termination – with HR

All these phases are official and supervisors should document them. HR must receive all records of the process from step 1 onwards.

Supervisors should let employees know when they launch a progressive discipline procedure. For example, pointing out a performance issue is not necessarily a verbal warning and may be part of the regular feedback an employee receives. If supervisors judge that a progressive disciplinary process is appropriate, they must clarify this to their team member and document the step.

Each step may be repeated instead of moving forward to the next step at HR or a manager's discretion. For example, a supervisor may choose to have more than one informal meeting with their employees (step 1) before they ask HR to be included in a formal reprimand (step 2.) Supervisors can make the decision to repeat a step if they:

- Feel that the step was not properly executed the first time.
- See signs of improvement in their employee and want to help them further.

- Believe conditions or parameters change enough to make repeating the step necessary.

Explaining the steps

Step 1: When a supervisor or HR issues a verbal warning to an employee, they should do so privately. When appropriate, they should provide that employee with a copy of the company policy they violated, and explain our progressive discipline steps. Supervisors should provide employees with any coaching or advice they need.

Employees have at least 30 days to correct their behavior before step 2 takes effect.

Step 2: A supervisor and HR representative discusses corrective actions with an employee. Employees should receive actionable feedback on how to deal with an unintentional violation. They can review coaching or mentoring methods.

Employees have 30 days to correct their behavior before step 3 takes effect.

Step 3: Employees will be called in for a formal disciplinary meeting with HR and their supervisor. They will have the chance to explain their side and HR is obliged to investigate, if needed. HR must clarify that this is the final step before an employee is penalized. This step encompasses any penalties that employees will receive. This usually includes detraction of certain perks and benefits (as long as they are not mandatory by law.) It may also include suspension without pay or demotion for serious offenses. We will still provide counseling in this stage if appropriate (e.g. minor cases of substance abuse.) We will apply this step uniformly and fairly. It will not result in adverse impact for protected groups.

Employees must correct their behavior immediately, or step 4 takes effect.

Step 4: Employees who continue to violate our policies, either voluntarily or involuntarily, by this stage will be terminated. This step will follow an official investigation by HR (or legal authorities when appropriate) to ensure that terminating an employee is fair. A termination for cause will refer to employees who were guilty of severe violations or felonies.

How to invoke progressive discipline

The progressive discipline process may begin from a different step, according to the severity of an employee's misconduct:

Performance issues. Procedure starts at stage 1. Examples are:

- Absenteeism.
- Disregarding deadlines.
- Lack of knowledge of performance of duties and standards.

Minor offenses (one-time). Procedure starts at stage 1. Examples are:

- On-the-job minor mistakes.
- Breach of dress code or smoking policy.

Serious misconduct/ Repeating an offense for which a progressive discipline procedure already took place. Procedure starts at stage 2. Examples are:

- On-the-job major mistakes.
- Rudeness to customers or staff.
- Unwillingness to follow Health & Safety standards

Severe violations. Procedure starts at stage 2. Examples are:

- Substance abuse.
- Offensive behavior.
- Retaliation against an employee.

Illegal behavior. Procedure starts at step 3 and 4. Examples are:

- Corruption/ Bribery.
- Sexual Harassment.
- Workplace Violence.
- Embezzlement/Fraud.

HR/Program Heads can skip any of the steps if they believe they are obsolete. For example, if an employee has received several formal reprimands for the same offense, HR/Program Heads may choose to terminate them directly. Or an employee may be directly suspended for a short period as a punishment.

This policy is meant to provide general guidelines. Our company reserves the right to treat circumstances in a different way from that described in this policy. But, we are always obliged to act fairly and lawfully and document every stage of the progressive discipline process.

Right to appeal

Employees who were not terminated for cause or were not found guilty for illegal behavior may file an appeal. For example, if an employee thinks they were demoted unfairly, they can bring this issue to the attention of HR. HR will evaluate the situation and may organize a hearing.

Preventing progressive discipline

Disciplining an employee is never a pleasant task. For the sake of everyone involved, we will take actions to prevent the need for disciplinary action. We will:

- Communicate our policies and Code of Conduct clearly to all new hires.
- Announce any revisions or changes in our policies to all our employees in a formal manner (e.g. emails, newsletters.)
- Use frequent employee performance meetings to address issues before they become problems.
- Train supervisors to communicate, enforce and abide by policies.
- Train employees in certain policies and procedures.

Establish a culture of respect and collaboration.

4111 Equal Opportunity, Anti-Harassment, and Discrimination Policy

Purpose: Our organization is committed to providing a work and educational environment that is free from discrimination, harassment, and all forms of unlawful bias. This policy outlines our stance on discrimination and harassment, including protections provided under Title IV, Title VII, and Title IX of the Civil Rights Act, as well as other federal definitions of discrimination and sets forth procedures for reporting and addressing incidents of discrimination and harassment.

Scope: This policy applies to stakeholders, including all board members, employees, students, contractors, vendors, clients, volunteers, and visitors of our organization.

Equal Opportunity: In accordance with R277-328, Our organization is an equal opportunity employer and educational institution. We are committed to providing equal employment and educational opportunities to all individuals without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law.

Harassment: Harassment in any form is strictly prohibited. This includes pervasive verbal, physical, visual, and cyber harassment, as well as sexual harassment. Harassment creates an intimidating, offensive, or hostile work or educational environment and interferes with an individual's work or academic performance.

Prohibited harassment include:

1. Verbal harassment, such as pervasive derogatory comments, slurs, or jokes.
2. Physical harassment, such as unwanted touching, assault, or blocking movement.
3. Visual harassment, such as displaying offensive images or objects.
4. Cyber harassment, including but not limited to cyberbullying, sexting, and online stalking.
5. Sexual harassment, including unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or visual conduct of a sexual nature.

Discrimination: Discrimination in any form is strictly prohibited. This includes treating individuals unfairly or differently based on protected characteristics such as race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law.

The following specific Federal requirements are included:

Title VI: Under Title VI of the Civil Rights Act, discrimination in federally funded education programs or activities on the basis of race, color, national origin, sex, or disability is prohibited. Our organization ensures compliance with Title IV and prohibits discrimination in all educational programs and activities.

Title VII: Title VII of the Civil Rights Act prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin. The **Pregnancy Discrimination Act (PDA) of 1978:** Amended Title VII to prohibit discrimination on the basis of pregnancy, childbirth, or related medical conditions. Our organization prohibits discrimination in all aspects of employment, including hiring, promotion, compensation, benefits, training, and termination.

Title IX: Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance. Our organization prohibits discrimination on the basis of sex in all educational programs and activities, including admissions, athletics, and employment.

Age Discrimination in Employment Act (ADEA) of 1967: Prohibits discrimination against individuals who are 40 years of age or older based on age in all aspects of employment.

Americans with Disabilities Act (ADA) of 1990: Prohibits discrimination against qualified individuals with disabilities in all aspects of employment, including hiring, firing, promotions, and reasonable accommodations.

Equal Pay Act of 1963: Prohibits wage discrimination based on sex, requiring equal pay for equal work performed by men and women.

Genetic Information Nondiscrimination Act (GINA) of 2008: Prohibits discrimination based on genetic information in employment and health insurance coverage.

Reporting Procedure: Any employee who believes they have been subjected to discrimination or harassment, or who witnesses the same, should immediately report the incident to their supervisor, manager, human resources department, or to the Executive Director, and only to those individuals. If any party not listed herein receives a report from another employee, they are required to report the same following these guidelines. Reports may be made orally or in writing, and will be kept confidential to the extent possible. Upon receiving a complaint by an employee, the supervisor, manager, or to the Executive Director, are required to report such claim to the human resources department who will assign it to the correct individual to investigate the claim.

Investigation and Resolution: Upon receiving a report of discrimination or harassment, our organization will promptly investigate the allegations in a fair and impartial manner. Investigations may include interviews with the parties involved, as well as any witnesses or other relevant individuals. Once reported, all parties involved in the reporting process, including the employee must refrain from discussing the matter with anyone other than those listed above, or those involved in the investigation. The organization will take appropriate action to address and resolve the situation, up to and including disciplinary action against the perpetrator.

Non-Retaliation: Our organization prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of discrimination or harassment. Retaliation against anyone who reports discrimination or harassment or participates in an investigation is a violation of this policy and will result in disciplinary action, up to and including termination of employment or expulsion from educational programs.

Training: Our organization will provide training to stakeholders, including board members, all employees, students, and participants on the prevention of discrimination and harassment, including identifying discrimination and harassment, reporting procedures, and the consequences of discrimination and harassment. Training will be provided regularly and will be mandatory for all individuals.

For More information, see **Title IX Policy, Appendix**

4115 Substitute Employee

In the event of absence, the employee is responsible to arrange his/her own substitute from a pool of approved substitutes. The employee must inform the school administration immediately upon the securing of a substitute. Failure to notify school administration of a substitute employee and employee leave can result in disciplinary action up to and including termination. When advance notice is given, the employee shall provide the substitute with adequate materials and guidelines as to limit disruption to the daily routine of the school. In the even no substitute can be secured, the employee is not relieved from his/her Duties of Employment as outlined in the Employment Agreement. Once an employee's paid leave benefits have been exhausted,

substitute employees' wages will be paid the daily substitute rate from monies garnished from the employee's salary.

4116 Visitors

Visitor Check in/Check out Policy

All visitors are welcome to Guadalupe. Visitors may include parents and other family members, volunteers, presenters, salesmen, and local community members.

To ensure that our students have the benefit of a safe environment, the following procedures will be followed:

Procedures

During regular school hours, 7:30 a.m.–4:30 p.m., all visitors must sign in on the appropriate log and be issued a "visitor" or "volunteer" sticker. This sticker must be visible at all times while the individual is in the school building.

A parent or authorized responsible adult who picks up or drops off a student must sign in or sign out for the student but does not require a "visitor" sticker unless he/she intends to visit a classroom or office.

On Tuesday evenings, 5:00 p.m.-7:00 p.m., Street Law is available to any person who needs legal advice.

- Before 4:30 p.m. – Individuals who enter the East doors will be issued a "visitor" sticker and requested to wait downstairs by the North doors until a lawyer arrives. When the lawyer arrives, he/she will escort the client(s) upstairs. Chairs will be available.
- After 4:30 p.m. – Individuals will enter through the unlocked North doors and be asked to remain downstairs until the lawyers arrive. When a lawyer arrives, he/she will escort the client(s) upstairs. Chairs will be available.
- Street Law is held in the fourth-grade classroom. All participants are helped on a first come first serve basis. Participants are required to remain seated in the area outside of the classroom until it is their turn.

4117 Workplace Searches

Guadalupe reserves the right to question employees and all other persons entering and leaving the premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunchboxes, or any other possessions or articles carried to and from school property. In addition, Guadalupe reserves the right to search any employee's office, desk, physical and digital files/computers, or any other area or article on our premises. In this connection, it should be noted that all offices, desks, files, computers, and so forth, are the property of the school and are issued for the use of employees only during their employment with Guadalupe. Inspections may be conducted at any time at the discretion of the Executive Director.

Violation of this policy, through refusal to cooperate, can result in disciplinary action up to and including termination.

4118 Social Media Policy

Guadalupe School fully acknowledges and recognizes the emergence and influence of Social Media in the modern world, as well as the rights of individuals to actively participate in the undertaking of such activities.

However, it is in the agency's best interests that certain regulations be set in the usage of Social Media, especially when the usage of such mediums directly affects agency processes. It is for that purpose that the agency has chosen to draft and willfully uphold this Social Media Policy.

The company also acknowledges the inherent legal rights of its employees as mandated by higher institutions. Any provision that violates any of these rights will be considered null and not be enforced. However, barring any legal precedents, willful violations of these policies will warrant appropriate sanctions.

Scope of The Policy

This policy will cover all individuals who are directly affiliated with the company. The referred individuals are as follows:

- Directors
- Department Heads
- Employees
- Consultants
- Contractors
- Interns

Objectives

The enforcement of this policy seeks to:

- Establish clear guiding principles as to how company affiliates are to conduct themselves when engaging in social media whether the engagement be official or unofficial in nature.
- Cultivate an environment wherein the usage of Social Media contributes to the overall welfare and productivity of the agency.
- Prepare company employees on the hazards and responsibilities of partaking in social media activities.
- Protect the agency and its employees from any legal threats that may arise as a result of social media usage.

General Guidelines in Work-Related Social Media Usage

- Only employees authorized by the Communications Specialist are permitted to engage in Social Media via the agency's accounts.
- Information and content shared on agency's Social Media must be approved by the Communications Specialist beforehand and must comply with the organization's confidentiality policies.
- Proper resource citations and copyright laws must always be upheld.

General Guidelines in Personal Social Media Usage:

- Configure the privacy settings on your social media profile to aptly satisfy your privacy requirements.
- Disclose the nature of your affiliation with the agency.
- Portray clear disclaimers that any form of personal views that you express online are of your own accord, and do not represent the views of the organization.
- Practice proper conduct and decorum when interacting with other social media users.
- Strictly comply with the agency's confidentiality policies. Photos of students under the age of 18 should not be displayed on personal social media pages in any identifiable way. This includes disclosing names, showing faces, or any other identifying characteristics. Only photos of work in a very general

sense such as a photo of the classroom without students, or a photo of worksheets or projects are permissible for personal use.
- Employees are not to post updates or comments relating to specific individuals in the classroom. This includes discussing a student's challenges, home life, medical needs, or any other confidential information.
- Respect and uphold copyright/trademark laws.

4119 Conflict of Interest (2 CFR 200.112)

- Employees, volunteers, and members of division policy boards shall comply with and abide by all provisions of Utah Code 67-16-1 et. seq., Utah Public Officers' and Employees' Ethics Act, Governor's Executive Order 2007-0001, Department of Human Resources Management Rules R477-9, Employee Conduct, and federal code 2 CFR 200.112.
- Responsibility to comply with these rules and this policy rests with individual employees, volunteers, and board members. It is not the responsibility of the Department to keep employees, volunteers, and board members out of conflict situations or those that are potential conflicts of interest.
- It is the responsibility of Department employees, volunteers, and division policy board members to ensure that they are not, or will not, become involved with employment or activities, including volunteer activities, which are conflicts of interest or potential conflicts of interest.
- No employee, volunteer, or division policy board member shall accept employment, have substantial interest in a business of any kind, or participate in any activities, including volunteer activities, which are conflicts of interest or potential conflicts of interest.
- All full-time or part-time employees, contract employees, volunteers, or board members shall submit a completed Conflict of Interest form to their supervisors before accepting any outside employment or becoming involved in activities which could be a conflict of interest or potential conflict of interest.
- Upon hire or appointment, or annually by July 1, employees, volunteers, or board members shall file a completed Conflict of Interest form.
- Whenever an employee's, volunteer's, or board member's position with regard to such outside employment or activities changes, a new Conflict of Interest form shall be filed before the change takes place, or within 30 days of such change if it is not possible to submit the Conflict of Interest form beforehand.
- A Declaration of Outside Compensation form shall be completed, notarized, and distributed as required by employees who receive or have agreed to receive compensation from another person or business entity that may have transactions involving and agency, division or office of the Department of Human Services, or is subject to regulation of the department
- A Conflict of Interest form shall be completed and submitted by any Department employee, volunteer, or board member prior to engaging in any Department of Human Services' procurement request, e.g. bidding on a request for proposal, sole source contracts, etc.
- Agency management may direct an employee to modify or to cease any outside employment or activity which may be a conflict of interest or potential conflict of interest, even if previously approved on a conflict of interest form.
- Please see Appendix 4119 B for DHS Conflict of Interest policy and forms

4120 Employee Attendance Policy

Policy brief & purpose

Our **employee attendance policy** outlines our expectations about our employees' coming to work. Being punctual when coming to work helps maintain efficiency in our workplace.

Scope

This company attendance policy applies to all nonexempt employees regardless of position or type of employment.

Policy elements

Most employees need to collaborate with their colleagues to do their job. To make this collaboration easier, we expect you to be punctual and follow the schedule you and your Supervisor have agreed on. If you are absent or late on occasion, you should have a good reason.

Being consistently tardy or absent can cause problems to your colleagues who may have to shoulder your work. This behavior may bring about a “bad attendance” record and you may need to go through progressive discipline.

What is absenteeism and tardiness?

Absenteeism refers to frequent absence from an employee’s job responsibilities. This includes not coming to work frequently or taking excessive sick time without being able to submit doctor's notes.

Presenteeism refers to being present at work beyond your schedule even when we don't require overtime. This can cause you to overwork and have an impact on your productivity and job satisfaction. We want to ensure that you keep your schedule both when coming to work and leaving.

Tardiness refers to coming in late, taking longer breaks than you're entitled to and constantly leaving earlier from work without reason. We probably won't mind if you're a bit late one morning or leave a little earlier on a Friday. But, we want to make sure you generally follow your schedule and you don't cause disruption in our workplace.

You are responsible for monitoring your working hours through our iSolved. Please be diligent in recording your hours, so you can receive your due payment.

Unforeseen absences

If you can't come in to work one day, notify your supervisor as soon as possible. If your supervisor is unavailable, contact HR instead. Afterwards, you should draw from your remaining PTO or personal leave to cover this absence. Please record this in iSolved as quickly as possible. Unexcused or unreported absence for more than three days will be considered job abandonment. If you need to leave work early one day, inform your supervisor.

We will understand if you have good reasons for being absent, even if you don't report it. Those reasons usually involve serious accidents and family or acute medical emergencies. We may ask you to bring us doctor’s notes or other verification. In these cases, we will record your absence as "excused."

The following list, although not exhaustive, includes reasons that we don't consider excused absence:

- Waking up late.
- Stopping on the way to work for personal reasons.
- Traffic or public transportation delays excluding situations that result in closing of roads.
- Bad weather, excluding extreme weather conditions like blizzards, hurricanes and floods.
- Unscheduled days off that haven't been approved.

Good attendance

Employees who have less than five incidents of absenteeism or tardiness in a year will receive an additional paid day off for next year. You have a good attendance record when you:

- Report consistently to work.
- Come to work at the scheduled shift start time.
- Leave work at the scheduled shift end time.
- Remaining at work during working hours (excluding breaks.)
- Take breaks that don't exceed an expected length.
- Notify your supervisor when you need to be absent or late.
- Be absent or late with good reasons only.

Supervisor's responsibility

If you manage employees you are responsible to monitor their attendance. If you notice that a team member is consistently late or absent, arrange a private meeting to discuss. Ask your team member whether they experience issues with their schedule or whether they need help balancing their personal lives with work. If you perceive a possible mental health issue that results in absenteeism or tardiness, ask your team member to contact our Human Resources and discuss what we can do to help them.

If you suspect that your team member abuses their sick leave or is willfully tardy, you should inform HR and start a progressive discipline process.

Disciplinary action

If your supervisor suspects you abuse your sick leave, you may need to submit doctor's notes to avoid our progressive discipline process. If you're being tardy unintentionally, corrective counseling will be our first attempt at a solution. We may take disciplinary action that goes up to and including termination if:

- Corrective counseling doesn't work.
- We find that you are willfully tardy.
- Your tardiness or absenteeism impacts your work.

Unexcused and unreported absences don't count as hours worked, so we won't compensate them.

4121 Employee Language Use Policy

1. **Policy purpose**
   a. This policy establishes the expectations that English will be the primary language used for all work-related communication. This is to promote clear and consistent communication across all

departments and ensure consistency in instruction, training, and supervision. We encourage employees to learn multiple languages that can help support the mission of Guadalupe and this policy should not be interpreted to limit the use of other languages within the organization.

2. **Policy Overview**
    - **a.** All instructions, directions, and official communications related to job responsibilities must be given in English
    - **b.** If a student is not proficient in English, staff may initially provide directions in the student's native language to ensure understanding. However, those directions must be immediately repeated in English to support the student's English language development and maintain consistency across classrooms.
    - **c.** Speaking English in the classroom and during instruction time is essential for supporting all students in their English language acquisition, regardless of their current proficiency level. Consistent exposure to English helps students build vocabulary, improve comprehension, and develop communication skills more effectively.
    - **d.** All teachers and staff are expected to speak English in all work-related settings, especially when communicating with directors or supervisors who may not speak the employee's home language. This includes:
        - **i.** Job Training
        - **ii.** Employee evaluations
        - **iii.** Performance coaching
        - **iv.** Any operational updates or instruction
    - **e.** This policy does not restrict casual or social conversation**s** in other languages among staff. However, work-related communication must be in English to support consistency and transparency across all teams.
3. **Support and Resources**
    - **a.** Guadalupe Center will provide access to English language learning resources, which may include:
        - **i.** On-site English classes
4. **Grace Period for Implementation**
    - **a.** Employees will have a one-year period from the effective date of this policy change **or** hire date to adjust to this requirement and build confidence in using English in work-related communication.
    - **b.** During this one-year period:
        - **i.** No corrective action will be taken based solely on an employee's ability to communicate in English.
        - **ii.** Supervisors will focus on support, encouragement, and providing access to learning tools.
    - **c.** All employees are expected to meet the English communication expectations as outlined in this policy.
5. **Questions and Support**
    - **a.** For questions about this policy or to request access to English learning resources, please contact the Human Resources Department.

4200 COMPENSATION AND RELATED BENEFITS

4201 Conference and Training

Employees may be called upon to attend and participate in academically-oriented conferences, trainings, seminars, workshops, and other related events. While on official school business, the employee shall conduct him/herself in accordance with the policies of the Guadalupe Employee Handbook and act as official

representatives of the school. It is the attendee's responsibility to report back, present, and/or share all information from the event with other school employees, as directed.

Travel and Expenses

All pre-approved travel-related expenses shall be reimbursed to the employee by the school upon completion and submission of an official reimbursement form and accompanying receipts if expenses are not pre-paid by the school. The school shall pay the wages of all substitute employees hired to cover for an employee absent due to pre-approved school-related business. Employees must receive authorization from the Executive Director, Principal and/or Director of Adult Education regarding method of travel, class of lodging, etc. prior to commencing any official travel. Employees that are traveling will be assigned a per diem amount for travel expenses.

4202 Direct Deposit

Employees of Guadalupe have a choice to be paid by direct deposit or a payroll check. For direct deposit an Employee Direct Deposit Authorization form must be completed and given to the accounting office for proper processing. This form will be filed in the employee's personal file.

Approved: _____

4203 FLSA Eligibility Requirements

The Fair Labor Standards Act ("FLSA") is commonly known as the Wage and Hour Law. This law requires employers to comply with certain regulations on behalf of their employees. Certain salaried employees are exempt from the regulations of FLSA. Hourly employees and some salaried employees, on the other hand, have certain rights under FLSA and must be paid overtime.

Exempt employees include such salaried workers as professional, executive, administrative, and outside sales personnel. These employees are exempt from the minimum wage and overtime requirements of FLSA. Certain other employees are considered "nonexempt" and are entitled to FLSA protection.

Guadalupe employs salaried full-time employees, salaried employees who work only during the academic year, and hourly nonexempt employees.

Salaried, full time employees work a 12-month schedule and include: Executive Director, Principal, Adult Education Director, Development Director, Business Manager, Development Assistant, Accounting Assistant, and Parent Educator Coordinator.

Salaried, academic year employees work the agreed upon days, which is usually from the middle of August through May of the following year. These exempt employees may elect to be paid on a 10-month basis or a 12-month basis. These employees include: Charter Teachers, Preschool Lead Teacher, and Toddler Beginnings Coordinator.

Hourly nonexempt employees work for specified, pre-approved hours at specific tasks. These employees include Adult Ed ESL Specialists, Parent Educators, Charter Paraprofessionals, Adult Ed Floor Manager, Adult Ed Babysitters, Adult Ed Kitchen Aide, Adult Ed Van Driver, Administrative Assistant, Secretary/Receptionist, Toddler Beginnings Instructors, Food Service Director, Kitchen Assistant, Bus Drivers and any other miscellaneous or casual labor. Also includes employees that work half-time or job share a position.

4204 Jury and Witness Duty Leave

In recognition of its duty to the community and your obligation as a citizen, Guadalupe gives time off for jury/witness service. During such period of jury duty, you will be paid the difference between your jury pay and the amount you would otherwise have earned. If you are serving jury duty, you must obtain a pay voucher on a weekly basis from the Clerk of the Court and turn this voucher into your supervisor for reimbursement. You should report to work when jury duty is cut short, leaving you free to work some of your regular hours at your regular work time. If you receive a notice to appear for jury/witness duty, contact your supervisor immediately.

4205 Military Leave of Absence

If you are called for temporary military duty, such as a call to an active National Guard or U.S. Reserve Unit, Guadalupe will grant you military leave as required by law. At least two weeks before you leave, give your supervisor evidence of your orders. Your amount of non-paid leave will not exceed the amount of time stated by your order. Exempt employees will receive paid leave offset by their military pay.

4206 Paid Time Off (PTO)

Paid time off is time that an employee may take time off for absences such as vacations, illness, funerals, marriage, etc. Absences related to illness of three days or longer require a doctor's note to return to work to ensure the safety of the employee and the organization's students and other employees. Doctor's note must be turned in to Human Resources prior to the employee returning to work. Doctor's notes will be evaluated by Human Resources and reviewed with the School Nurse.

There are two separate PTO schedules for School-year employees and Year-round employees.

School-year Employees – must be scheduled for at least 30 hours per week from August (school starts) until May/June (school ends). PTO for school-year employees accrue at 1/10 of the annual allotment for each month of service from the following schedule:

- After initial hire , 1/10 of annual allotment for each month of service.
- One (1) to five (5) years: 5 days
- Five (5) to fifteen (10) years: 7 days
- Fifteen (15) years and over: 10 days

Carry-over limits - Carry-over amounts are determined on June 30 of the fiscal year. Carry-over limit is 5 days for all school year employees.

Year-round Employees – must be scheduled for at least 30 hours per week. PTO for year-round employees accrue at 1/12 of the annual allotment for each month of service from the following schedule:

- After initial hire , 1/12 of annual allotment for each month of service
- One (1) to five (5) years: 10 days
- Five (5) to fifteen (15) years: 15 days
- Fifteen (15) years and over: 20 days

Carry-over limits - Carry-over amounts are determined on June 30 of the fiscal year. Carry-over limit is 10 days for all year round employees.

Employees may not use PTO unless it has been accrued. PTO does carry over from year to year depending on the carry-over limits. Only employees that terminate employment with the requested two weeks' notice will be paid for their accrued PTO.

All paid leave, except for illness or bereavement, must be approved at least two weeks in advance by employee's supervisor. To request such approval, employee needs to submit a request in writing to his/her supervisor. Guadalupe will attempt to comply with employee's choice of paid leave dates, but paid leave may be modified depending on Guadalupe's needs.

4207 Paid vs. Unpaid Leave

Exempt employees are granted a set number of paid leave days per year, as outlined in individual salary agreements. Professional teaching staff is paid annually for teaching a set number of days. When a teacher has exceeded the number of paid leave days authorized and the teacher is absent, the teacher's salary will be reduced by his or her corresponding daily rate equal to time missed from required work time.

For non-teaching exempt employees, missed work days exceeding the authorized leave days will first be counted as vacation time. If the employee misses work with authorization, exceeding vacation time, then the daily rate of pay will be subtracted from the paycheck following the absences.

4208 Bereavement Leave

Guadalupe provides employees a special leave for the death of certain family members. This benefits may provide up to five (5) days of paid leave per year for these situations. Eligible employee classifications:

- School-year employees who work a minimum of 30 hours per week.
- Year-round employees who work a minimum of 30 hours per week.

Employees may receive five (5) days of bereavement leave for immediate family members. Immediate family members are defined as spouse [or domestic partner], parent, child [or step-child or foster child], sibling, grandparent, grandchild or very close non-family relationships that are key to our employees.

Employees may receive three (3) days of bereavement leave for close family members. Close family members are defined as parent in-laws, brother in-law, sister in-law, aunt and uncle.

4209 Reimbursement

The school shall reimburse employees for expenses previously authorized by the Executive Director, Principal and/or Director of Adult Education once an official reimbursement form, along with all relevant receipts, have been submitted. (see Appendix C)

Approved: _____

4210 Paid Holidays

Guadalupe observes the following holidays:

- New Year's Day
- Human Rights Day (Martin Luther King Jr.
- Memorial Day
- Independence Day
- Pioneer Day
- Labor Day
- Thanksgiving Day and the Friday following

Day)

- Juneteenth Day
- Christmas Day
- Washington/Lincoln Day (Presidents' Day)

4211 Parental Leave

Guadalupe provides employees a special leave for the birth of a child, adoption of a child or the time required to execute a new foster care arrangements. This benefit may provide up to fifteen (15) days of paid leave for these situations. Eligible employee classifications:

- School-year employees who work a minimum of 30 hours per week.
- Year-round employees who work a minimum of 30 hours per week.

In addition to the above leave, birthing mothers may receive up to three additional paid weeks for recovery from postpartum from a child birth.

Eligible employees will request this leave at least 30 days in advance of taking the time off. Requests are made to employee's supervisor. Once the supervisor has approved the leave, the supervisor will forward the request to Human Resource for final review and approval.

Parental leave can only be requested once a year and must be taken in consecutive days and cannot be split into smaller increments.

4212 Employee Insurance Coverage Notification Against Legal Liability

In accordance with 53G-5-407, Guadalupe notifies staff annually on the legal liability protection under State Risk management. See https://guadalupeutah.org/wp-content/uploads/2025/05/Policy-and-Procedure-Manual-Approved-October-2023-1-1.pdf

4213 Paid Personal Days

Each full-time employee will receive three (3) paid personal days for the fiscal year as long as employment begins by August 31st of the current fiscal year. If employment begins between September 1st and December 31st of the current year then two (2) days will be received. If employment begins between January 1st, and April 30th then one (1) day will be received. If employment begins after April 30th of the current year no personal days will be received.

- Personal days must be used as full days and cannot be used hourly or as partial days off.
- Personal days must be used within the fiscal year and do not roll over to the following year.
- Personal days cannot be used during the Summer School period.
- Personal leave will be granted at the beginning of each fiscal year.

4300 REQUIREMENTS

4301 Classifications of Employment

4302 Employment of Relatives

Relatives may not work in the same department nor can they work in positions where they might be able to check, process, review, approve, audit, or otherwise affect the work of a relative. For purposes of this policy

only relatives include persons related by blood or marriage as well as domestic partners. Any variance from this policy must be approved by the Executive Director in writing. Employees must timely disclose relationships that may be covered by this policy.

4303 CPR Training and Health Education

Your position may require mandatory training prior to performing the essentials of your job or you may simply want to improve your skills through additional professional learning. Examples of require specialized training would be Bus Driver Certification, Food handler's permit, First Aid/CPR Certification, etc. Guadalupe believes in investing in our employees and improving their skills. Since specialized trainings are required for certain positions, Guadalupe may choose to assist, in whole or in part, to pay for the training. In such cases, the employee should obtain permission from their Supervisor and Human Resources prior to attending the training. The employee must sign the Professional Development/ Essential Training Reimbursement Agreement in which 50% of the training fees will be paid back in the event that the employee resigns before two years and 100% of the training fees will be paid back in the event the employee resigns within one year. This applies only to training fees that exceed $100. If the training is not completed before the employee terminates, 100% of the training fees will be deducted from the final paycheck.

Attachment 1412 A

Guadalupe Schools
1385 N 1200 W
Salt Lake City UT 84116
801-531-6100

REQUEST FOR RECORDS

_____ _____ _____
Student's Name Birthdate Grade

_____ _____
School Last Attended Street Address

_____ _____ _____
City State Zip

1. Please forward, for the above-named student, all records not requiring parent approval to the address listed below*.

2. In compliance with the Family Education Rights and Privacy Act of 1974 which requires consent for release of certain information, I hereby give consent for you to release to the address listed below* the records and reports I have initialed:

___ Educational Records

___ Medical Records

___ Psychological Records

___ Others as indicated _____

*_____

_____

_____

_____ _____
Signature Date

_____
Title

Appendix 4111 – Title IX

Guadalupe School is committed to responding promptly and effectively when it learns of any form of possible discrimination based on sex. The school responds to reports of sexual harassment, including sexual violence, as part of its efforts to stop the harassment and prevent its recurrence of possible discrimination based on sex. If you believe you are being mistreated on the basis of your race, color, religion, gender, age, national origin or handicap or you believe you or your student are being sexually harassed, you have a right to complain. Please contact one of the following individuals for assistance in this order:

1. Tonya Passey, Title IX Coordinator: tonya.passey@guadschool.org 801-531- 6100 x-304
2. James Carter, CFO/HR Director: james.carter@guadschool.org 801-531-6100 x-301
3. Richard Pater, Executive Director: richard.pater@guadschool.org 801-531- 6100 x-122

An individual also may contact the U.S. Department of Education's, Office for Civil Rights ("OCR"), 1400 Independence Avenue S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY).

ATIXA SEXUAL HARASSMENT INTERIM MODEL POLICY AND PROCEDURES FOR K-12 SCHOOLS AND DISTRICTS

ATIXA 2020 INTERIM MODEL SEXUAL HARASSMENT POLICIES AND PROCEDURES
USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED THROUGH A LIMITED LICENSE
TO ***Guadalupe School****.*
ALL OTHER RIGHTS RESERVED.
©2020. ATIXA

POLICY: Sexual Harassment, Including Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation

1. Glossary

- *Advisor* means a person chosen by Guadalupe School to accompany the party to meetings, interviews, or hearings related to the resolution process and to advise the party on that process.

- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual harassment based on a protected class; or retaliation for engaging in a protected activity.

- *Complaint (formal)* means a document submitted by a Complainant or their parent/guardian or signed by the Title IX Coordinator alleging sexual harassment or retaliation under this Policy and requesting that the school investigate the allegation.

- *Confidential Resource* means a non-school employee who is not a Mandated Reporter of notice of harassment and/or retaliation.

- *Day* means a school day when Guadalupe is in normal operation.

- *Education program or activity* means locations, events, or circumstances where Guadalupe exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

- *Final Determination:* A conclusion by the standard of proof that the alleged conduct did or did not violate policy.

- *Finding:* A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a "finding of fact").

- *Formal Grievance Process* means the method of formal resolution designated by the school to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

- *Grievance Process Pool* includes any investigators, Decision-makers, hearing officers, appeal Decision-makers, and/or Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

- *Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within Guadalupe's Formal Grievance process.

- *Investigator* means the person or persons assigned by Guadalupe to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile this information into an investigation report and file of directly related evidence.

- *Mandated Reporter* means an employee of Guadalupe who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator and/or their supervisor.[1]

- *Notice* means that an employee, student, parent/guardian, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

[1] Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandated reporting responsibility in this Policy.

- *Official with Authority* (OWA) means any school employee.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Guadalupe* means a K-12 education program that receives federal funding.
- *Remedies* are applied following a Resolution to the Complainant and/or the community to address safety, prevent recurrence, and restore access to the school's educational program.
- *Respondent* means an individual who has been reported as having engaged in conduct that could constitute sexual harassment or retaliation under this Policy.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by Guadalupe on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, dating violence, and domestic violence. See Section 16., for greater detail.
- *Title IX Coordinator* is the official(s) designated by Guadalupe to ensure compliance with Title IX and Guadalupe's Title IX program. References to the Title IX Coordinator throughout this policy may also include a designee of the Title IX Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, investigator, decision maker, and any member of the Grievance Process Pool.

2. Rationale for Policy

Guadalupe is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Guadalupe has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment or retaliation. Guadalupe values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

3. Applicable Scope

The core purpose of this policy is to prohibit sexual harassment and retaliation. When an alleged violation of this policy is reported, the allegations are subject to resolution using the process as detailed below.

When the Respondent is a member of Guadalupe community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Guadalupe community. This community includes, but is not limited to, students,[2] student organizations, teachers, administrators, staff, and third parties (such as parents/guardians, guests, visitors, volunteers, invitees, contractors, and consultants).

[2] For the purpose of this policy, Guadalupe defines "student" as any individual who is registered for or enrolled in a school program or any individual who has accepted an offer of admission, and who maintains an ongoing relationship with Guadalupe.

The procedures below may be applied to incidents, to patterns, and/or to the school climate, all of which may be addressed and investigated in accordance with this policy.

4. Title IX Coordinator

The Charter Business Manager serves as the Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating Guadalupe's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment and retaliation prohibited under this policy.

5. Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case or biased for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Executive Director. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct committed by the Title IX Coordinator should be reported to the Executive Director or designee. Reports of misconduct committed by any other Title IX Team member should be reported to the Title IX Coordinator.

6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Title IX Coordinator/Administrator
Business Office
1385 N. 1200 West, Salt Lake City, UT 84116
(385) 424-1058

Executive Director
Business Office
1385 N. 1200 West, Salt Lake City, Utah 84116
(385) 424-1059

Title IX Investigator
Business Office
1385 N. 1200 West, Salt Lake City, UT 84116
801-531-6100

In addition to the Title IX Team members listed above, the officials listed below may also accept notice or complaints on behalf of Guadalupe. List all such officials here: Employee's supervisor

Guadalupe has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing sexual harassment and/or retaliation.

The section below on Mandated Reporting details the responsibilities and duties that all Guadalupe employees have as Mandated Reporters under Title IX.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: http://www.ed.gov/ocr

May also add contact information for any other applicable federal or state agency (e.g. DOJ)[3]

For complaints involving employees: Equal Employment Opportunity Commission (EEOC) [4]

7. Notice/Complaints of Sexual Harassment and/or Retaliation

Notice or complaints of sexual harassment and/or retaliation may be made using any of the following options:

1) File a complaint with, or give verbal notice to, the Title IX Coordinator or Investigator:

Title IX Coordinator/Administrator
Business Office
1385 N. 1200 West, Salt Lake City, UT 84116
(385) 424-1058

Title IX Investigator
Business Office
1385 N. 1200 West, Salt Lake City, UT 84116
801-531-6100

A report may be made at any time (including during non-school hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

2) Complete the form in Appendix A and submit to the Title IX Coordinator.

3) Report online, using the reporting form posted at [https://publicportal.eeoc.gov/Portal/Login.aspx]. Reports may be made anonymously but may result in a need to investigate. Guadalupe tries to provide supportive measures to all Complainants, which is often not possible with an anonymous report. Know that reporting carries no obligation to file a Formal Complaint, which would trigger a formal response. Guadalupe respects

[3] Consult grant terms and program participation agreements for specific disclosures required.

[4] EEOC has jurisdiction over Title IX employment claims. Please consult: http://www.eeoc.gov/field/index.cfm to locate your local office's contact info.

requests from Complainants to dismiss complaints unless there is a compelling threat to health and/or safety, criminal activity, child abuse, and/or the Respondent is an employee.

A Formal Complaint means a document submitted or signed by the Complainant or their parent/guardian or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Guadalupe investigate the allegation(s). The school's formal complaint form can be accessed at https://guadschool.org/title-ix/.

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information above, or as described in this section. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Guadalupe) that contains the Complainant's, or their parent/guardian's, physical or digital signature, or otherwise indicates that the Complainant, or their parent/guardian, is the person filing the complaint, and requests that Guadalupe investigate the allegations.

If a complaint is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant, and/or their parent/guardian, to ensure that it is filed correctly.

8. Supportive Measures

Guadalupe will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties. Supportive measures are designed to restore or preserve access to Guadalupe's education program or activity, including measures designed to protect the safety of all parties or Guadalupe's educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, Guadalupe will inform the Complainant, in writing, that they may file a formal complaint with Guadalupe either at that time or in the future, if they have not done so already.

A member of the Title IX Team works with the Complainant and/or their parent/guardian, if a minor to ensure that their wishes are considered with respect to the supportive measures that are planned and implemented.

Guadalupe will maintain the privacy of the supportive measures so long as the privacy does not impair Guadalupe's ability to provide the supportive measures. Guadalupe will reduce the academic/occupational impact on the parties as much as possible. Guadalupe will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Education to the school community or community subgroup(s)
- Altering work arrangements for employees
- Safety planning
- Providing school safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments

- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the school
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

9. Emergency Removal

Guadalupe can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is performed by the Title IX Coordinator in conjunction with the Title IX Team, Executive Director, Program Director and/or the School Counselor using its standard objective violence risk assessment procedures. In cases when an emergency removal involves a student with a disability who is receiving services under an Individualized Education Program (IEP), this risk analysis will also be performed in conjunction with the student's IEP Team and may present the need for a manifestation determination.

In all cases in which an emergency removal is imposed, the student and parent/guardian will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. A student Respondent may be accompanied by an Advisor of their choice during the meeting. The student Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

When this meeting is not requested within (5) five days, objections to the emergency removal will be deemed waived, except as below.

In cases when an emergency removal involves a student with a disability who is receiving services under an IEP, this meeting can serve as the student's manifestation determination hearing and will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). The student will not have to request such a meeting as it will be scheduled and held within ten (10) days of the decision to implement the emergency removal. If it is determined that an emergency removal is necessary for more than ten (10) school days, that would constitute a change in placement and would be addressed in accordance with the requirements of the IDEA.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.[5]

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

Guadalupe will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Team, these actions could include, but are not limited to: temporarily re-

[5] The results of the manifestation determination can be appealed in accordance with the requirements under the IDEA.

assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, changing transportation arrangements, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student organizational leadership, or athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

10. Promptness

All allegations, whether by notice or formal complaint, are acted upon promptly. Complaints can take 30-60 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Guadalupe will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Guadalupe procedures will be delayed, Guadalupe will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Privacy

Every effort is made by Guadalupe to preserve the privacy of reports.[6] Guadalupe will not share the identity of any individual who has made a report or complaint of harassment or retaliation, any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Guadalupe reserves the right to determine which Guadalupe officials have a legitimate educational interest in information about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

12. Jurisdiction of Guadalupe

This policy applies to the education program and activities of Guadalupe, to conduct that takes place within school or on property owned or controlled by Guadalupe, or at Guadalupe-sponsored events. The Respondent must be a member of Guadalupe's community in order for its policies to apply.

This policy can also be applicable to the effects of out-of-school misconduct that effectively deprive someone of access to Guadalupe's educational program. Guadalupe may also extend jurisdiction to out-of-school and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Guadalupe interest.

Regardless of where the conduct occurred, Guadalupe will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on school or in an out-of-school sponsored program or activity. A substantial Guadalupe interest includes:

[6] **Privacy** means that information related to a complaint will only be shared with the parties, their advisors, and a limited number of Guadalupe employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the Recipient's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the Recipient's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies.

a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;

b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;

c. Any situation that materially and substantially interferes with the requirements of appropriate discipline in the operation of the school; and/or

d. Any situation that is detrimental to the educational interests or mission of Guadalupe.

If the Respondent is unknown or is not a member of the Guadalupe community, the Title IX Coordinator will assist the Complainant in identifying appropriate school and local resources and support options and/or, when criminal conduct is alleged, in contacting local law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of Guadalupe's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Team.

In addition, Guadalupe may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Guadalupe property and/or events.

All vendors serving Guadalupe through third-party contracts are subject to the policies and procedures of their employers and to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another school, or institution of higher education, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that school or institution, as it may be possible to allege violations through that school or institution's policies.

13. Time Limits on Reporting

There is no time limit on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to Guadalupe's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Guadalupe will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.[7]

14. Online Sexual Harassment and/or Retaliation

The policies of Guadalupe are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Guadalupe's education program and activities or use Guadalupe networks, technology, or equipment.

[7] There is an argument to be made to apply current policy definitions to past misconduct, but such an approach would have to be consented to by the parties and/or carefully vetted with legal counsel.

Although Guadalupe may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Guadalupe, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of Guadalupe community.

Public Recipients: Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of Guadalupe's control (e.g., not on Guadalupe networks, websites, or between Guadalupe email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Out-of-school harassing speech by employees, whether online or in person, may be regulated by Guadalupe typically only when such speech is made in an employee's official or work-related capacity.

15. Policy on Nondiscrimination

Guadalupe prohibits discrimination or harassment of any kind on the basis of race, color, age, sexual orientation, gender identification, pregnancy, religion, disability, national origin, ethnic background, genetic status, military service, and/or citizenship, or any other classification protected by applicable local, state or federal law. Guadalupe will not tolerate discrimination or harassment of any sort, and as described below, will take prompt disciplinary action against those responsible for the discrimination/harassment. No employee is expected to tolerate any conduct prohibited by this policy while at work or while engaged in Guadalupe business or Guadalupe-sponsored events.

16. Definition of Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Utah regard Sexual Harassment as an unlawful discriminatory practice.

Guadalupe has adopted the following definition of Sexual Harassment in order to address the unique environment of an educational setting.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

1) Quid Pro Quo:
    a. an employee of the school,
    b. conditions[8] the provision of an aid, benefit, or service of the school,
    c. on an individual's participation in unwelcome sexual conduct.

[8] Implicitly or explicitly.

2) Sexual Harassment:
    a. unwelcome conduct,
    b. determined by a reasonable person,
    c. to be so severe, and
    d. pervasive, and,
    e. objectively offensive,
    f. that it effectively denies a person equal access to the school's education program or activity.[9]

3) Sexual assault, defined as:

    - Sex Offenses, Forcible:
    - Any sexual act[10] directed against another person[11],
    - without the consent of the Complainant,
    - including instances in which the Complainant is incapable of giving consent.[12]

    b) Sex Offenses, Non-forcible:

---

[9] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

[10] Sexual acts include:

Forcible Rape:
- Penetration,
- no matter how slight,
- of the vagina or anus with any body part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant.

Forcible Sodomy:
- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age[#] or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:
- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling:
- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

[11] This would include having another person touch you sexually, forcibly, or without their consent.

[12] This definition set is not taken from SRS/NIBRS verbatim. ATIXA has substituted Complainant for "victim," has removed references to his/her throughout, has defined "private body parts," has removed the confusing and unnecessary term "unlawfully," and has inserted language clarifying that the Recipient interprets "against the person's will" to mean "non-consensually." These are liberties ATIXA thinks are important to take with respect to the federal definitions, but users should consult legal counsel before adopting them.

- Incest:
    1) Non-forcible sexual intercourse,
    2) between persons who are related to each other,
    3) within the degrees wherein marriage is prohibited by Utah State law.
- Statutory Rape:
    1) Non-forcible sexual intercourse,
    2) with a person who is under the statutory age of consent of Utah.

4) Dating Violence, defined as:
    a. violence,
    b. on the basis of sex,
    c. committed by a person,
    d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
        i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
        ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
        iii. Dating violence does not include acts covered under the definition of domestic violence.

5) Domestic Violence, defined as:
    a. violence,
    b. on the basis of sex,
    c. committed by a current or former spouse or intimate partner of the Complainant,
    d. by a person with whom the Complainant shares a child in common, or
    e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
    f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Utah, or
    g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the State of Utah.

    *To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:
    a. engaging in a course of conduct,
    b. on the basis of sex,
    c. directed at a specific person, that
        i. would cause a reasonable person to fear for the person's safety, or
        ii. the safety of others; or
        iii. Suffer substantial emotional distress.

    For the purposes of this definition—

    (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

    (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

(iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

See Appendix D for a Guadalupe Unethical Relationship policy

Guadalupe reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

c. Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should stop within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) does not imply there is consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Guadalupe to determine whether its policy has been violated. The existence of consent is based on the

totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

17. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Guadalupe will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Guadalupe and any member of Guadalupe's community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint under another school policy could be considered retaliatory if those charges could be applicable under this policy, when the charges are made for the purpose of interfering with or circumventing any right or privilege provided under this policy that is not provided under the other school policy that was used. Therefore, Guadalupe vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

18. Mandated Reporting

All Guadalupe employees (teachers, staff, administrators) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately. This includes employees who might otherwise be considered confidential resources.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting school resources. In school, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or school official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Guadalupe for a Complainant or third-party (including parents/guardians when appropriate):

a. Confidential Resources

Because all Guadalupe employees are required to report actual or suspected sexual harassment or retaliation, any such information a Complainant shares with any Guadalupe employee cannot remain confidential.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with a non-Guadalupe employee. Following are some confidential community-based resources:

- Employee Assistance Program
- Licensed professional counselors and other medical providers
- Local rape crisis counselors
- Domestic violence resources
- Local or state assistance agencies
- Clergy/Chaplains
- Attorneys

All of the above-listed individuals are not Guadalupe employees and may maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/individual with a disability, or when required to disclose by law or court order.

b. Mandated Reporters and Formal Notice/Complaints

All employees of Guadalupe are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share <u>all</u> details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Failure of a Mandated Reporter to report an incident of sexual harassment or retaliation of which they become aware is a violation of Guadalupe policy and can be subject to disciplinary action.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though Guadalupe is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

19. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the school and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether Guadalupe proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires Guadalupe to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Guadalupe may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Guadalupe's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to have experienced conduct that could constitute a violation of this policy.

When Guadalupe proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor or the student's parent/guardian may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony except in situations where a Complainant is unable to provide evidence or testimony without assistance (e.g. due to age, disability, etc.).

Note that Guadalupe's ability to remedy and respond to notice may be limited if the Complainant does not want Guadalupe to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Guadalupe's obligation to protect its community.

In cases in which the Complainant requests no formal action and the circumstances allow Guadalupe to honor that request, Guadalupe will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Guadalupe, and to have the incident investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

20. Emergency Notifications

Guadalupe may issue emergency notifications for incidents that are reported and pose a serious or continuing threat of bodily harm or danger to members of the school community.

Guadalupe will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

These notifications may be issued school-wide or may be limited to those members of the community who are potentially impacted. The Title IX Coordinator will work in conjunction with the appropriate school officials in determining the scope and content of the notification that may be issued.

21. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Guadalupe's policy.

22. Amnesty for Complainants and Witnesses

Guadalupe community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Guadalupe officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of Guadalupe community that Complainants choose to report misconduct to Guadalupe officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Guadalupe maintains a policy of offering parties and witnesses amnesty from minor policy violations related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

In determining whether to offer amnesty, the Title IX Coordinator will consider factors such as: the nature and severity of the policy violation; the age of the individual; the impact on the health and safety of the individual and the school community; and the best interests of the school community.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to seek assistance.

Guadalupe maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, Guadalupe may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employees:[13] Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Guadalupe officials.

Guadalupe may, at its discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis.

[13] This section is optional as most traditional policies only offer amnesty to students. If a Recipient decides not to include this section, the "student" section can simply be merged into the amnesty section.

INTERIM RESOLUTION PROCESS[14] FOR ALLEGED VIOLATIONS OF THE POLICY ON SEXUAL HARASSMENT

1. Overview

Guadalupe will act on any formal or informal notice/complaint of violation of the Policy that is received by the Title IX Coordinator[15] or any other employee by applying these procedures.

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, administrator, or faculty members.

If a dismissal occurs under these procedures or the allegations fall outside of the jurisdiction of these procedures, as determined by the Title IX Coordinator, the applicable procedures under the Student Handbook or the applicable employee handbook will be used to resolve the complaint.

Unionized/other categorized employees are subject to the terms of their agreements/employees' rights to the extent those agreements do not conflict with federal or state compliance obligations.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student and employee handbooks.

[14] For Recipients with Formal Grievance Processes enabling students and/or employees to challenge Recipient action, it is recommended that allegations under this policy be exempted from that process and replaced with the resolution process outlined here. Most existing grievance proceedings are neither equitable (by definition), nor are they sufficiently prompt to satisfy Title IX.
[15] Anywhere this procedure indicates "Title IX Coordinator," Guadalupe may substitute a trained designee.

2. Notice/Complaint

Upon receiving a complaint or notice, the Title IX Coordinator[16] initiates a prompt initial assessment. The Title IX Coordinator will initiate at least one of three responses:

1) Offering and/or implementing supportive measures only because the Complainant[17] does not want to file a formal complaint;

2) An informal resolution (upon submission of a formal complaint); and/or

3) A Formal Grievance Process including an investigation and a determination of whether policy was violated (upon submission of a formal complaint).

Guadalupe uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, Guadalupe will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

3. Initial Assessment

The Title IX Coordinator's initial assessment typically occurs within one to three business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
    - If not, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
    - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
    - If an informal resolution option is preferred, the Title IX Team assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in informal resolution.
    - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
        - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
            - an incident, and/or
            - a pattern of alleged misconduct, and/or
            - a culture/climate concern, based on the nature of the complaint.
        - If it does not, the Title IX Team determines that Title IX does not apply (and will "dismiss" that aspect of the complaint, if any), assesses which policies may apply, which resolution process is

[16] If circumstances require, the Superintendent or Title IX Coordinator will designate another person to oversee the resolution process should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

[17] References to the Complainant, Respondent, or to the parties collectively throughout these procedures may also include their parent(s)/guardian(s) when applicable or as mandated by Guadalupe policy, state, and/or federal law.

applicable, and will refer the matter accordingly. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit Guadalupe's authority to address a complaint with an appropriate process and remedies.

a. Violence Risk Assessment

The Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Title IX Team as part of the initial assessment. A VRA can aid in critical and/or required determinations, including:

- Emergency removal of a student Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether ~~to put~~ the investigation should focus on the incident alone and/or assess pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, ;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Timely Warning/Trespass order/Persona-non-grata is needed.

Threat assessment evaluates the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct/discipline officers, or other Title IX team members.

A VRA authorized by the Title IX Coordinator should occur in collaboration with the Title IX team. In cases where the Respondent is a student with a disability who is receiving services under an Individualized Educational Plan (IEP), a VRA should also occur in collaboration with the student's IEP Team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about Guadalupe's process for VRA can be found below in Appendix E.

b. Dismissal (Mandatory and Discretionary)[18]

Guadalupe must dismiss a formal complaint or any allegations therein if, at any time during the investigation or meeting with the Decision-maker, it is determined that:

1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or

2) The conduct did not occur in an educational program or activity controlled by Guadalupe and/or Guadalupe does not have control of the Respondent; and/or

[18] These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

3) The conduct did not occur against a person in the United States; and/or

4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in an education program or activity of Guadalupe.[19]

Guadalupe may dismiss a formal complaint or any allegations therein if, at any time during the investigation or meeting with the Decision-maker:

1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint in whole or in part; or

2) The Respondent is no longer enrolled in or employed by Guadalupe; or

3) Specific circumstances prevent Guadalupe from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Guadalupe will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the appeal procedures below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

4. Counterclaims

Guadalupe is obligated to ensure that the grievance process is not abused for retaliatory purposes. Guadalupe permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor[20] of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.[21] For students, this Advisor can be someone in addition to their parent/guardian who may also be present with them for all meetings, interviews, and hearings within the resolution process.

[19] Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

[20] This could include an attorney, advocate, or support person. The law permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally), but some Recipients do permit more than one. If the Recipient allows more than one Advisor for one party, they should do so for all parties.

[21] "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Guadalupe community.

Parties also have the right to choose not to have an Advisor during the resolution process.

b. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings, interviews, and hearings at which the party is entitled to be present, including intake and investigation interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Guadalupe cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Guadalupe is not obligated to provide an attorney.

Where applicable under state law or Guadalupe policy, Advisors or attorneys are permitted to fully represent their advisees or clients in resolution proceedings, including all meetings, interviews, and hearings. Although Guadalupe prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by their chosen representatives.[22]

c. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings/hearings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Guadalupe's policies and procedures.

d. Advisor Violations of Guadalupe Policy

All Advisors are subject to the same Guadalupe policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings or meetings. Advisors should not address Guadalupe officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee[23] during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s).

The parties are expected to ask and respond to questions on their own behalf throughout the resolution process. In cases where a party requires assistance in asking and/or responding to questions on their own behalf (e.g. due to age or disability), the Advisor will be allowed to ask and/or respond to questions on behalf of their advisee, at the discretion of the Investigator(s) or Decision-maker(s). Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

[22] Recipients should be mindful that this may be applicable for suspension/expulsion hearings that may result from Title IX complaints resolved under these procedures.

[23] Subject to the state law provisions or Guadalupe's policy above.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

e. Sharing Information with the Advisor

Guadalupe expects that the parties may wish to have Guadalupe share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Guadalupe also provides a consent form that authorizes Guadalupe to share such information directly with their Advisor. The parties must submit this completed form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Guadalupe is able to share records with an Advisor.

If a party requests that all communication be made through their attorney Advisor, Guadalupe will comply with that request at the discretion of the Title IX Team.

f. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Guadalupe. Guadalupe may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Guadalupe's privacy expectations.

g. Expectations of an Advisor

Guadalupe generally expects an Advisor to adjust their schedule to ensure attendance at Guadalupe meetings when planned but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Guadalupe may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

h. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) and Decision-maker(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators and Decision-makers (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured.

i. Assistance in Securing an Advisor

For representation, Respondents may wish to contact organizations such as:

- FACE (http://www.facecampusequality.org)

- SAVE (http://www.saveservices.org).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (http://www.victimrights.org),
- The National Center for Victims of Crime (http://www.victimsofcrime.org), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund: https://nwlc.org/times-up-legal-defense-fund/

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Guadalupe policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. Guadalupe encourages parties to discuss any sharing of information with their Advisors before doing so.

a. Informal Resolution

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, usually before a formal investigation takes place; see discussion in b., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant must submit a formal complaint, as described above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Guadalupe will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Guadalupe.

Guadalupe will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

Informal resolution will not be used to resolve allegations of complaints where the Complainant is a student and the Respondent is an employee.

b. Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism by which the parties mutually agree to resolve an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' preference for Alternate Resolution;
- Likelihood of potential resolution, considering any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Capacity of parties to understand the process and fully participate in the process;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

c. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above. If so, the Title IX Coordinator will determine whether all parties and Guadalupe are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Guadalupe policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

d. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and Guadalupe. Negotiated Resolutions are not appealable.

7. Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators ("the Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

The list of Pool members and a description of the Pool can be found at https://guadschool.org/title-ix/.

a. Pool Member Roles

Members of the Pool are trained annually, and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a meeting/hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

b. Pool Member Appointment

The Title IX Coordinator, in consultation with the Superintendent, identifies individuals who will serve in the Pool,[24] which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Guadalupe can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

c. Pool Member Training

The Pool members receive annual training. This training may include, but is not limited to:

- The scope of Guadalupe's Sexual Harassment Policy and Procedures
- How to conduct investigations, meetings, and hearings in a manner that protects the safety of Complainants and Respondents, and promotes accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Guadalupe with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including meetings, hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias

[24] This does not preclude Guadalupe from having all members of the Pool go through an application and/or interview/selection process.

- Any technology to be used during an interview, meeting, or hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here: https://guadschool.org/title-ix/.

d. Pool Membership

The Pool may include:

- 3 or more members of the Academic administration staff
- 3 or more members of the staff
- 1 or more representatives from School Safety
- 2 representatives from Human Resources

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Guadalupe presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Guadalupe's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that Guadalupe's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the resolution process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of any allegations.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Guadalupe records, or emailed to the parties' Guadalupe-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

Guadalupe will make a good faith effort to complete the resolution process within thirty to sixty (30-60) business days, including appeal. This time frame can be extended as necessary by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigators

Once the Title IX Coordinator decides to begin a formal investigation, the Title IX Coordinator appoints Pool members to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

11. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the Title IX Investigator.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

Guadalupe presumes that the Respondent is not responsible for the reported misconduct unless and until a final determination is made that this Policy has been violated.

12. Investigation Timeline

Investigations are completed promptly, normally within thirty (30) business days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Guadalupe will make a good faith effort to complete investigations as promptly as possible and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Delays in the Investigation Process and Interactions with Law Enforcement

Guadalupe may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such

circumstances include but are not limited to a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Guadalupe will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Guadalupe will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Guadalupe will implement supportive measures as deemed appropriate.

Guadalupe action(s) or processes may be delayed, but are not stopped by, civil or criminal charges involving the underlying incident(s). Dismissal or reduction of those criminal charges may or may not impact on Guadalupe's action(s) or processes.

14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with school partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
    - Notice should inform the parties of their right to have the assistance of an Advisor of their choosing present for all meetings attended by the party
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the investigation report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding

- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (when Advisors are identified) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Guadalupe does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made following the review and comment period
- The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- The Investigator will incorporate any relevant feedback, and the final investigation report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a meeting with the Decision-maker. The parties are also provided with a file of any directly related evidence that was not included in the report

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of Guadalupe are expected to cooperate with and participate in Guadalupe's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline. Student witnesses and witnesses from outside the school community are encouraged to share what they know about the complaint.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Guadalupe will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred.

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to[25] audio and/or video recording.

17. Evidentiary Considerations in the Investigation

[25] Consent of the interviewer and interviewee is required in "dual-party recording" states.

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

18. Referral to a Decision-maker

If the complaint is not resolved through Informal Resolution, and after the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter to a Decision-maker to make a determination regarding responsibility.

The Decision-maker cannot make a determination regarding responsibility prior to ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker(s) from the Pool depending on whether the Respondent is an employee or a student.

19. Decision-maker Designation

Guadalupe will designate one or more Decision-makers from the Pool, at the discretion of the Title IX Coordinator, and inform the parties/advisors.

The Decision-maker(s) will not have had any previous involvement with the investigation. Those who have served as Investigators in this investigation may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter. The Title IX Coordinator may not serve as a Decision-maker in the matter.

All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator no later than two (2) business days after being notified of the identity of the Decision-maker. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial consideration of the evidence.

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

20. Evidentiary Consideration By the Decision-Maker

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The Decision-maker will not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process and is not shared with the Decision-maker until then.

The parties may each submit a written impact statement for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

The Decision-maker determines based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged. OR clear and convincing evidence; whether there is a high probability that the Respondent violated the Policy as alleged.

21. Exchange of Questions (If the Meeting in Section 22 below is not held/required)

The Decision-maker will facilitate the exchange of written questions between the parties and direct any written questions to any witnesses before a final determination is made.

The Decision-maker will invite each party to submit proposed written questions for other parties/witnesses. Upon receipt of the proposed questions, the Decision-maker will review the proposed questions and determine which questions will be permitted, disallowed, or rephrased. The Decision-maker will limit or disallow questions on the basis that they are irrelevant, repetitive (and thus irrelevant), or abusive. The Decision-maker has full authority to decide all issues related to questioning and determinations of relevance. The Decision-maker may ask a party to explain why a question is or is not relevant from their perspective. The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the parties and witnesses with the relevant written questions to be answered and allow for a period of time whereby the parties and witnesses are to submit written responses to the questions and any appropriate follow-up questions or comments by the parties. The exchange of questions and responses by the parties and witnesses will be concluded within a 5 business day period.

22. Notice of Decision-Making[26]

The Decision-maker may choose to meet with each party individually and any witnesses, as needed, prior to making a determination of responsibility, or to meet with the parties jointly.[27]

No less than ten (10) business days prior to any meeting or the decision-making phase of the process, the Title IX Coordinator or the Decision-maker will send notice to each party. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of any meeting.
- Any technology that will be used to facilitate the meeting.
- The name and contact information of the Decision-maker, along with an invitation to object to any Decision-

[26] This step is intended to allow schools/districts to satisfy the Goss hearing requirement for suspensions/expulsions exceeding 10 days. These procedures may need to be modified to accommodate the requirements of state law or board policy. If a Recipient intends to use existing hearing procedures, those may need to be modified to satisfy the regulatory requirements of Title IX.

[27] In determining whether to incorporate an in-person meeting at this point, schools should consider whether a meeting at this step can substitute for a meeting/hearing that may subsequently be required in your process in accordance with school policy and/or state law (e.g. if suspension or expulsion longer than 10 days is recommended as a sanction). This will help to streamline the resolution process and timeline for those cases.

maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the meeting.
- Information on whether the meeting will be recorded and, if so, information on access to the recording for the parties after the meeting.
- A statement that if any party does not appear at the scheduled meeting, the meeting will only be rescheduled for compelling reasons.
- Notification that the parties may have the assistance of an Advisor of their choosing at the meeting.
- A copy of all the materials provided to the Decision-maker(s) about the matter.[28]
- An invitation for the parties to review and submit a written response to the final investigation report within 5 business days of the date of the notice.
- An invitation to each party to submit to the Decision-maker any written, relevant questions they want the Decision-maker to ask of any other party or witness within 5 business days of the date of the notice.
- An invitation to each party to submit to the Decision-maker an impact statement pre-meeting that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at any meeting or in the decision-making process, at least 5 business days prior to the meeting/final determination.
- Whether parties can/cannot bring mobile phones/devices into the meeting.

Meetings for possible violations that occur near or after the end of a school year (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of the school year will typically be held as soon as possible given the availability of the parties, but no later than immediately upon the start of the following school year. Guadalupe will implement appropriate supportive measures intended to correct and remediate any hostile environment while the resolution is delayed.

23. Decision-Maker Meeting Procedures

Participants at a meeting may include the Decision-maker, the Investigator(s) who conducted the investigation, the party/witness, the party's advisor, the Title IX Coordinator the parent/guardian, and anyone providing authorized accommodations or assistive services.

At a meeting, the Decision-maker has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Any witness scheduled to meet with the Decision-maker must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Decision-maker assent to the witness's participation.

If the parties and Decision-maker do not assent to the admission of evidence newly offered at the meeting, the Decision-maker may delay the meeting and instruct that the investigation needs to be re-opened to consider that evidence.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the meeting, the Decision-maker may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the meeting, the Decision-maker should not permit irrelevant questions that probe for bias.

[28] This includes all pertinent documentary evidence and the final investigation report. The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

24. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will then deliberate to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence OR clear and convincing evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Decision-maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) may review the statements and any pertinent conduct history provided by appropriate administrator and will recommend/determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator.

This statement must be submitted to the Title IX Coordinator within two (2) business days after the Decision-maker held their final meeting with the parties/witnesses or concluded the paper evidence exchange/questioning process, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

25. Notice of Outcome

Using the deliberation statement, the Decision-maker will work in conjunction with the Title IX Coordinator as needed to prepare a Notice of Outcome. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Guadalupe records, or emailed to the parties' Guadalupe-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Guadalupe from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent Guadalupe is permitted to share such information under state or federal law; any sanctions issued which Guadalupe is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Guadalupe's educational or employment program or activity, to the extent Guadalupe is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include the relevant procedures and bases for any available appeal options.

26. Statement of the Rights of the Parties (see Appendix C)

27. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual Harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation
- The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. Student Sanctions

The following are the usual sanctions that may be imposed upon students singly or in combination:

- *Warning*
- *Required Counseling*
- Required substance abuse treatment program
- Exclusion from participating in extra-curricular activities or other school programs/activities
- Alternative placement
- *Suspension; In-school; out-of-school; long-term; short-term; extended, etc.*
- *Expulsion*
- *Other Actions:* In addition to or in place of the above sanctions, Guadalupe may assign any other sanctions as deemed appropriate.

b. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment and/or retaliation include:

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to new supervisor*

- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, Guadalupe may assign any other responsive actions as deemed appropriate.

28. Withdrawal or Resignation While Charges Pending

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Guadalupe, the resolution process ends, as Guadalupe no longer has disciplinary jurisdiction over the withdrawn student.

However, Guadalupe will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Guadalupe unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Guadalupe no longer has disciplinary jurisdiction over the resigned employee.

However, Guadalupe will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with Guadalupe, and the records retained by the Title IX Coordinator will reflect that status. Any state mandates for reporting of this resignation with respect to licensure or certification will be met.

All Guadalupe responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

29. Appeals

Any party may file a request for appeal ("Request for Appeal") in writing to the Title IX Coordinator within 5 business days of the delivery of the Notice of Outcome.

A single Appeal Decision-maker will Chair the appeal. No Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

(A) Procedural irregularity that affected the outcome of the matter;

(B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

(C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses, and the Chair will render a decision in no more than 5 business days, barring unusual circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Guadalupe is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Guadalupe is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Guadalupe-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed by the Decision-maker take effect following the appeal process. Supportive measures may remain in effect during an appeal process, subject to the same supportive measure procedures above.

c. Appeal Considerations

- Appeal decisions defer to the original decision, making changes to the determination only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full reconsideration of the allegation(s) and evidence. In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original

Decision-maker(s) merely because they disagree with the determination and/or sanction(s).

- The Appeal Chair/Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded (returned) to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to Guadalupe or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

30. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the school community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of work arrangements for employees
- Provision of school safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by Guadalupe to the Respondent to ensure no effective denial of educational access.

Guadalupe will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Guadalupe's ability to provide these services.

31. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Guadalupe.

32. Recordkeeping

Guadalupe will maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Guadalupe's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Guadalupe will make these training materials publicly available on Guadalupe's website.; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
    a. The basis for all conclusions that the response was not deliberately indifferent;
    b. Any measures designed to restore or preserve equal access to Guadalupe's education program or activity; and
    c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Guadalupe will also maintain any and all records in accordance with state and federal laws.

33. Disabilities Accommodations in the Resolution Process

Guadalupe is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Guadalupe's resolution process.

Anyone needing such accommodations or support should contact the Appropriate HR individual if employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

34. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Guadalupe reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the school website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

Some examples of possible sexual harassment include:[29]

- A teacher offers for a student to have sex with them in exchange for a good grade. This constitutes sexual harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.

- A student repeatedly sends graphic, sexually-oriented jokes and pictures around school via social media to hundreds of other students. Many don't find it funny and ask them to stop, but they do not. Because of these jokes, one student avoids the sender in school, eventually asking to be moved from a class they had together.

- A teacher engages students in class in discussions about the students' past sexual experiences, yet the conversations are not in any way germane to the subject matter of the class. The teacher inquires about explicit details and demands that students answer them, though the students are clearly uncomfortable and hesitant.

- An ex-partner widely spreads false stories about their sex life with their former partner to the clear discomfort and frustration of the former partner, turning the former partner into a social pariah in school.

Examples of Stalking

- Students A and B were "friends with benefits." Student A wanted a more serious relationship, which caused student B to break it off. Student A could not let go, and pursued student B relentlessly. Student B obtained a school no-contact order. Subsequently, Student B discovered their social media accounts were being accessed, and things were being posted and messaged as if they were from them, but they were not. Whoever accessed their account posted a picture of a penis, making it look as if they had sent out a picture of themselves, though it was not their penis. This caused them considerable embarrassment and social anxiety. They changed their passwords, only to have it happen again. Seeking help from the Title IX Coordinator, Student B met with the IT department, which discovered an app on their phone and a keystroke recorder on their laptop, both of which were being used to transmit their data to a third party.

- A graduate student working as student-teacher received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate it if the gift deliveries stopped. The student then started leaving notes of love and gratitude on the student-teacher's car, both in-school and at home. Asked again to stop, the student stated by email, "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything to make you have the feelings for me that I have for you." When the student-teacher did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. If I can't have you, no one will."

Examples of Sexual Assault:

- Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come to his house. From 11:00 p.m. until 3:00 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. Despite her clear communications that she is not interested in doing anything sexual with him, Bill keeps at her, questions her religious convictions, and accuses her of being "a prude." He brings up several rumors that he has heard about how she performed oral sex on a number of other guys. Finally, it seems to Bill that her resolve is weakening, and he convinces her to "jerk him off" (hand to genital contact). Amanda would have never done it but for Bill's incessant coercion.

[29] ATIXA recommends incorporation of examples into policy as an educational and preventive tool. Some schools may prefer to break these out into separate documents or resources.

- Jiang and Beth sit next to each other in their film elective. Whenever the lights are out and the class is watching a film, Beth tries to fondle Jiang. Jiang is uncomfortable but does not say anything. He repeatedly tries to remove Beth's hand, but she continues the behavior despite his resistance and lack of consent.

- Kevin and John convince Stacy to snap them a pic of her butt. She reluctantly sends it to them. The boys then tell her that if she doesn't meet them in the back stairwell between classes for "oral," they will send her snap out to the whole school. Stacy agrees to do it, feeling that she had no choice.

Examples of Retaliation:

- Student-athlete A alleges sexual harassment by a coach; the coach subsequently cuts the student-athlete's playing time without a legitimate justification.
- A teacher alleges gender inequity in pay within her department; the Department Chair then revokes his approval for her to attend a national conference, citing the teacher's tendency to "ruffle feathers."
- A student from the chess club participates in a sexual harassment investigation as a witness whose testimony is damaging to the Respondent, who is also a member of the chess club; the student is subsequently removed as a member of the chess club because of their participation in the investigation.

APPENDIX B: A SUGGESTED FRAMEWORK FOR INFORMAL RESOLUTION (IR)

ATIXA has framed a process for IR that includes:

1. A response based on supportive measures; and/or
2. A response based on a Respondent accepting responsibility; and/or
3. A response based on alternative resolution, which could include various approaches and facilitation of dialogue.

Alternative resolution approaches like mediation, restorative practices, transformative justice, etc., are likely to be used more and more often by colleges and universities. ATIXA does not endorse these approaches as better or worse than other formal or informal approaches.

ATIXA believes that if they are to be used in, and are effective for, sex offenses, they need to be designed and executed carefully and thoughtfully and be facilitated by well-trained administrators who take the necessary time to prepare and lay a foundation for success. Although no approach is a panacea, the framework below can help to lay that foundation, regardless of which approach(es) are used.

Here are the principles to be considered for supporting various approaches to informal resolution:

- IR can be applied in any sex/gender-based interpersonal conflict but may not be appropriate or advisable in cases involving violent incidents (sexual violence, stalking, domestic and dating violence, severe sexual harassment, sexual exploitation, etc.).
- IR will not be used to resolve complainants where the Complainant is a student and the Respondent is an employee.
- Situations involving dangerous patterns or significant ongoing threat to the community should not be resolved by IR.
- The determination of whether to permit an IR-based resolution is entirely at the discretion of the Title IX Coordinator (TIXC) and in line with the requirements for IR laid out in the Title IX regulations.
- Any party can end IR early-, mid-, or late-process for any reason or no reason.
- IR can be attempted before and in lieu of formal resolution as a diversion-based resolution of a formal complaint.
- Alternative approaches can inform formal resolution, as in a formal resolution model infused with restorative practices.
- IR could be deployed after formal resolution, as an adjunct healing/catharsis opportunity (that could potentially mitigate sanctions or be a form of sanction).
- Alternate Resolution approaches to IR must be facilitated by Guadalupe or a third-party. There may be value in creating clearly agreed-upon ground rules, which the parties must sign in advance and agree to abide by, otherwise the informal resolution process will be deemed to have failed.
- Technology-facilitated IR can be made available, should the parties not be able or willing to meet in person.

- If IR fails, a formal resolution can take place thereafter. No evidence elicited within the “safe space” of the IR facilitation is later admissible in the formal resolution unless all parties consent.
- With cases involving violence, the preferred alternative approach typically involves a minimal number of essential parties and is not a wide restorative circle approach in order to ensure confidentiality.
- Some approaches require a reasonable gesture toward accountability (this could be more than an acknowledgement of harm) and some acceptance, or at least recognition, by the Respondent that catharsis is of value and likely the primary goal of the Complainant. A full admission by the Respondent is not a prerequisite. This willingness needs to be vetted carefully in advance by the TIXC before determining that an incident is amenable/appropriate for resolution by IR.
- IR can result in an agreement between the parties (Complainant, Respondent, Guadalupe) that is summarized in writing by and enforced by Guadalupe. This can be a primary goal of the process.
- IR can result in the voluntary imposition of safety measures, remedies, and/or agreed-upon resolutions by the parties that are enforceable by Guadalupe. These can be part of the accord/agreement.
- As a secondary goal, IR can result in the voluntary acceptance of “sanctions,” meaning that a Respondent could agree to withdraw, self-suspend (by taking a leave of absence), or undertake other restrictions/transfers/online course options that would help to ensure the safety/educational access of the Complainant, in lieu of formal sanctions that would create a formal record for the Respondent. These are enforceable by Guadalupe as part of the accord/agreement, as may be terms of mutual release, non-disparagement, and/or non-disclosure.
- Although a non-disclosure agreement (NDA) could result from IR, it would have to be mutually agreed-upon by the parties in an environment of non-coercion verified by the TIXC.
- Schools must develop clear rules for managing/facilitating the conference/meeting/dialogue of alternative resolution approaches, to ensure they are civil, age-appropriate, culturally-competent, reflective of power imbalances, and maximize the potential for the resolution process to result in catharsis, restoration, remedy, etc., for the harmed party(ies).

APPENDIX C: STATEMENT OF RIGHTS OF THE PARTIES

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or retaliation made in good faith to Guadalupe officials.

- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.

- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.

- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.

- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.

- The right to be treated with respect by Guadalupe officials.

- The right to have Guadalupe policies and procedures followed without material deviation.

- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.

- The right not to be discouraged by Guadalupe officials from reporting sexual harassment or retaliation to both school and local authorities.

- The right to be informed by Guadalupe officials of options to notify proper law enforcement authorities, including in-school and local police, and the option(s) to be assisted by Guadalupe officials in notifying such authorities, if the party so chooses. This also includes the right not to report, as well, except when Guadalupe officials are required to report by law.

- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Guadalupe law enforcement and/or other Guadalupe officials.

- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both in school and in the community.

- The right to a Guadalupe-implemented no-contact order or a no-trespass order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.

- The right to be informed of available assistance in changing academic, and/or working situations after an alleged incident of sexual harassment and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either school or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
    - Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
    - Transportation accommodations
    - Visa/immigration assistance
    - Exam, paper, and/or assignment rescheduling or adjustment

- Transferring class sections
- Temporary leave of absence
- School safety escorts
- Alternative course completion options.

- The right to have Guadalupe maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair Guadalupe's ability to provide the supportive measures.

- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.

- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.

- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.

- The right not to have irrelevant prior sexual history or character admitted as evidence.

- The right to know the relevant and directly related evidence obtained and to respond to that evidence.

- The right to a fair opportunity to provide the Investigator(s) with their account of the alleged misconduct.

- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law and the right to have at least ten (10) business days to review the report prior to any determination being made.

- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report.

- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.

- The right to regular updates on the status of the investigation and/or resolution.

- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.

- The right to a Title IX Committee that is not single-sex in its composition.

- The right to preservation of privacy, to the extent possible and permitted by law.

- The right to meetings, interviews, and/or hearings that are closed to the public.

- The right to petition that any Guadalupe representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.

- The right to have an Advisor of their choice to accompany and assist the party in all meetings, interviews and/or hearings associated with the resolution process.

- The right to the use of the appropriate standard of evidence, (preponderance of the evidence; clear and convincing evidence) to make a finding after an objective evaluation of all relevant evidence.

- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.

- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

- The right to be informed in writing of when a decision by Guadalupe is considered final and any changes to the sanction(s) that occur before the decision is finalized.

- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Guadalupe.

- The right to a fundamentally fair resolution as defined in these procedures.

APPENDIX D: GUADALUPE UNETHICAL RELATIONSHIPS POLICY

EXPECTATIONS REGARDING EMPLOYEE UNETHICAL RELATIONSHIPS[30]

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as supervisor and employee). These relationships may, in reality, be less consensual than perceived by the individual whose position confers power or authority. Similarly, the relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Circumstances may change, and conduct that was once welcome may, at some point in the relationship, become unwelcome.

Even when both parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. Guadalupe does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of Guadalupe. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., supervisor-employee) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must bring these relationships to the timely attention of their supervisor and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an affected relationship existed prior to adoption of this policy, the duty to notify the appropriate supervisor still pertains.

While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.

APPENDIX E: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A ***Violence Risk Assessment (VRA)*** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers.

A VRA occurs in collaboration with the threat assessment team (TAT) (which may include the Special Education Behavior Invention Team) and must be understood as an on-going process, rather than a singular evaluation or meeting. In cases where the Respondent is a student with a disability who is receiving services under an Individualized Educational Plan (IEP), a VRA should also occur in collaboration with the student's IEP Team. A VRA is not an evaluation for an involuntary behavioral health hospitalization nor is it a psychological or mental health assessment.

A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

[30] This section is offered as an optional inclusion, as some schools prefer to include this policy elsewhere, such as an employee manual. We include it here to inform the school community, not just employees, of our expectations. Regardless, violation of this policy is a Human Resources/Employee Relations matter and should not be addressed under this resolution process unless the elements of the definition of harassment are met.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. an appraisal of ***risk factors*** that escalate the potential for violence;
2. a determination of ***stabilizing influences*** that reduce the risk of violence;
3. a contextual ***analysis of violence risk*** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
4. the application of ***intervention and management*** approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the TAT. The TAT will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor will follow the process for conducting a violence risk assessment as outlined in the TAT manual and will rely on a consistent, research-based, reliable system that allows the for the operationalization of the risk levels.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric,[31] The Structured Interview for Violence Risk Assessment (SIVRA-35),[32] The Extremist Risk Intervention Scale (ERIS),[33] Looking Glass,[34] Workplace Assessment of Violence Risk (WAVR-21),[35] Historical Clinical Risk Management (HCR-20),[36] and MOSAIC.[37]

---

[31] www.nabita.org/tools
[32] www.nabita.org/resources/assessment-tools/sivra-35/
[33] www.nabita.org/resources/assessment-tools/eris/
[34] www.nabita.org/looking-glass
[35] www.wavr21.com
[36] hcr-20.com
[37] www.mosaicmethod.com

5000 Financial Management

Guadalupe Center Educational Programs, Inc.

Financial Policies and Procedures

(Approved revision 9/22

)

The policies and procedures outlined in this document are based on a principle of internal controls. The internal controls are designed to limit the risk of misstatement due to errors, theft and misappropriation of our assets. Commitment to internal controls is necessary at all levels of the agency in order for the controls to be effective. The control environment reflects the overall attitude, awareness, and action of the Board, Administration, and others concerning the importance of control. Every effort has been made to establish policies and procedures that balance the effectiveness of controls with the costs associated with implementing them. Guadalupe Financial Policies and Procedures aligns with Federal Code 2-CFR-200 and Utah Code R277-113 – LEA Fiscal and Auditing Policies. See Appendix A.

R277-407 School fees

Guadalupe Charter School (GCS) is a K-6 school and as such, does not have clubs so students do not pay fees. Furthermore, being a Title I school, Guadalupe does not charge tuition or fees of any kind. As a provision III school, standard meals and snacks are also provided free of charge. The only exception where a fee may be charged is for loss or damage replacement of books, technology, etc. In consideration of these facts, Guadalupe is compliant with Section R277-407-13. See Appendix B. Additionally, the school does not participate in student fundraisers. This is consistent with R277-113-5 (Appendix A). The development department of Guadalupe Center Educational Programs (GCEP) typically sponsors fundraisers for the entire organization, from which GCS may benefit.

Accounting System

Guadalupe School is a non-profit agency comprised of five programs including Adult Education, In-Home, Toddler Beginnings, Preschool, and Charter School. The Charter School is chartered by the State of Utah, and is a public school; therefore, by state law it must operate as a separate entity. To comply with this law, Guadalupe School maintains a separate set of bank accounts, as well as a separate set of books on the accounting system. A separate audit of the Charter School finances is prepared; however, the Charter School is included in the financial reporting of the Agency as a whole.

The accounting system establishes a method to identify, assemble, analyze, classify, record, and report the agency's transactions and to maintain accountability for the related assets and liabilities. Pelorus is the agency's official accounting system. No other system should be used to record financial transactions or data

Account Coding System

Account Number Structure and Detail

In accordance with R277-113-5 (Appendix A), Guadalupe follows a detailed Program Accounting policy that: accurately reflects the use of funds for allowable costs and activities; requires that transactions be recorded when they occur; and is consistent with GAAP. It is important to identify the proper account to which an item will be expensed prior to making any purchase. Doing so will ensure that proper approvals have been obtained and transactions are accounted for appropriately. Both the Agency and the Charter School use an 11 digit account number which is in the following format.

Function/Dept.	Object	Program
XXXX	XXX	XXXX

Function – 4 numbers, used by the Charter School indicates the revenue source or expense category. The following is a list of the typical classification of functions:

Revenue Functions:

1xxx – Local revenue

2xxx – State revenue

4xxx – Federal revenue

Expense Functions:

1xxx – Instruction

21xx – Supporting students

22xx – Supporting teachers

23xx – Executive director

24xx – School administration

25xx – Business departments

26xx – Facilities

27xx – Transportation

31xx – Food service

33xx – After School

Department – 4 numbers, used by the Agency, indicates the program to which the expense is allocated. (Note: the Agency uses the same revenue functions as the Charter School.) The following is a list of the typical classifications of departments:

1020 – Adult Education

1030 – Management & General

1040 – Fundraising

1050 – In-Home

1060 – Preschool

1070 – Toddler Beginnings

1080 – Board of Directors – for Audited Financials, this is rolled into 1030

2600 – Facilities – allocated quarterly to departments 1020 thru 1070

Object – 3 numbers, indicates what is being purchased, essentially the expense account. The following is a list of the ranges used for objects for both the Agency and the Charter School.

1xx – Wages

2xx – Benefits

3xx – Professional services

4xx – Property services

5xx – Other services

6xx – Supplies & materials

7xx – Property & equipment

8xx – Debt & miscellaneous

000 – Balance sheet

010 – Revenue

Program – 4 numbers, indicates the program or the grant. This allows for tracking of expenses that are specifically restricted to a program or grant. Expenses that are not paid out of a specific program or grant are uniformly coded to the program number 0050. Program numbers for most state and federal programs are assigned by the Utah State Office of Education. We assign other program numbers using 85xx.

Restricted Revenue

Consistent with R277-113-6 (Appendix A), it is the Governing Board's responsibility to ensure that the LEA has sufficient controls in the expenditure of restricted funds. Any restricted funds left over from the previous year are deferred to the following fiscal year. These fund balances are tracked monthly and compared with the current cash position to ensure that the restricted balance does not exceed available cash. This balance is reported monthly to the Finance Committee as well as the Charter Board.

Purchasing Guidelines

These guidelines are intended to streamline the process of purchasing items necessary for the successful operation of the programs at Guadalupe School and are intended to help us to be good fiscal agents, as well as maintain good internal controls. Guadalupe School purchasing policies are in alignment with Title 63G-6a – Utah Procurement Code. See Appendix C.

- All purchases should be made through the Business Office with the following exceptions:
    - Regularly scheduled purchases made from approved vendors, such as:
        i. Food, milk and supply purchases for the School Lunch program.
        ii. Maintenance supplies, such as paper towels, trash bags, etc.
    - Special event supplies
    - Scholastic book orders
    - Miscellaneous materials purchased by program coordinators.
        i. These will be reviewed on a case-by-case basis. There may be instances that it would be more prudent to purchase items through State Contracts. All employees are asked to plan ahead as much as possible to avoid last minute purchases.
- Bids will be obtained as per the following guidelines:
    - Under $1,000 – the purchaser may select the best source without seeking competitive quotes.
    - $1,001 to $5,000 (or 50,000 aggregate) – the purchaser shall obtain at least two (2) competitive quotes and purchase the items/service from the supplier offering the lowest quote. Quotes must be attached to the purchase documentation and maintained as part of the Agency's records.
    - Greater than $5,000 ($50,000 aggregate) – The Agency must enter into a competitive bid process or RFP in compliance with State code.

When following the purchasing guidelines, remember that:

- Any person who participates in procurement process of any supplies or services for the Agency shall not ask, receive, offer any gratuity, contribution, loan, or reward, or any

promise thereof, either for the person's own use or the use or benefit of any other person or organization, from any person interested in the sale of such supplies or services.

- Purchases may not be artificially subdivided.
- All equipment purchased with Agency funds must be recorded as a fixed asset
- State Contracts for supplies and equipment should be used when available. A complete list of all existing contracts is available on the State Purchasing website at purchasing.utah.gov.
- All Charter School service contracts will be reviewed and a cost comparison with a minimum of two similar vendors obtained every three years

Purchasing Guidelines – Federal Grants

Guadalupe's purchasing guidelines are in alignment with 2 CFR 200 318-326. See Appendix C

Guadalupe's purchasing guidelines for the Child Nutrition Program are in alignment with 7 CFR 210.21 (d) and 2 CFR 200 318-326. See Appendix D.

Approval Process

Contractual agreements for Government grant funding may be signed by the Executive Director or CFO. Vendor contracts for services may be signed by the Executive Director or CFO. The Board of Directors has also delegated standing expense approval authority to program directors for those expenses that are considered recurring, such as food, gas, maintenance and educational supplies, and those items that are within their program's approved budget. For expenses that fall outside of these guidelines, the following approval limits apply:

Executive Director	$25,000
Executive Director and Executive Committee*	Unlimited

*requires a simple majority when quorum is met. Approval may be documented either with a signature, email approval, or in the board minutes. The Executive Committee, at their discretion, may require the approval of the entire board.

Verification Process

These procedures are to be followed so that prompt and accurate payment can be made to our vendors.

Invoices are received by the front office and delivered to the Executive Assistant. The Executive Assistant delivers the invoices to the Accounting Assistant for entry into the accounting system.

The Accounting Assistant reviews the invoices, attaches all appropriate verification items, and codes the invoice for payment. Verification items may include:

- Packing list, date-stamped and signed by two separate individuals who have reviewed and verified that all items listed were received.
- Approved purchase request or purchase order

- Signature of the approving program director
- Competitive quotes, where applicable

The coded invoices with all appropriate attachments are then submitted to the CFO and/or Charter Business Manager for review and approval.

Credit/Purchase Cards

- Credit/purchase card usage shall be leveraged, for the benefit of the Agency and the Charter School, to achieve optimal benefit of discounts, rewards and cashback offers.

- The combined credit limit on all credit/purchase cards held by the Agency shall be limited to $75,000. With approval of the Executive Director the Agency may hold credit/purchase cards as necessary for the following purposes:
    - Agency accounts payable purchases
    - To be checked out by employees for day-to-day Agency purchases
    - Development Department purchase, (to be held by the Development Director)

- The combined credit limit on a credit/purchase card held by the Charter School shall be limited to $50,000. With the approval of the Executive Director the Charter School may hold credit/purchase cards as necessary for the following purposes:
    - Charter School accounts payable purchases
    - To be checked out by employees for day-to-day Charter School purchases

- All credit/purchase cards are secured and controlled by the Business Office (An assigned credit card may be held by the Development Director). The Business Office shall insure that credit/purchase cards payments are made to avoid fee, penalties, and interest charges. Purchases must be pre-approved, using an expenditure authorization form prior to requesting the credit/purchase card, with the exception of vehicle fuel purchases. The bus drivers are not required to have an approved expenditure form for regular purchases with the State of Utah Fuel Cards.

- Credit cards are checked out on a same-day basis. Purchases should be planned ahead so that card can be checked out and returned the same day. On the rare occasion that a card should need to be kept overnight, request must be made in **advance** and must be approved by the Business Office beforehand.

- A log is kept documenting the following:
    - Employee name & initials
    - Check-out & check-in date
    - Type & number of card, if applicable
    - Intended vendor and item(s) to be purchased
    - Authorizing person's initials
    - Review of approved request
    - Receipt of approved request upon return
- Receipts must be obtained for each purchase and shall include the signed credit card slip, as well as a detailed, vendor-issued receipt identifying items purchased, date of purchase, and amount of purchase. Receipts must be attached to the expenditure authorization form and returned with the credit card.

- Individual expenditures made on purchase or credit cards shall be recorded in the Agency's accounting system. The payment of the monthly card statement balance shall be reviewed and approved by administration prior to issuance.
- ATM transactions, cash advances, or personal use are strictly prohibited.
- Violation of credit/purchase card policy, including not retaining documentation of purchases or making personal purchases, may result in disciplinary action or criminal prosecution.
- If the card is lost or stolen, immediately contact the appropriate authority.

Purchase Authorization

- An expenditure authorization form (purchase order or requisition) is required for all purchases. Employees initiating an expenditure shall complete the authorization form, including documentation of any required quotes, **before** a purchase is initiated. The completed form and documentation shall be submitted to the program director or the Executive Director for approval. This approval signature is required prior to the initiation of a purchase.
- Shipment of the goods should be addressed and delivered to the Business Office.
- Packing slips should be initialed by the receiver of the goods and one additional person, indicating that all goods were received.
- The Business Office shall compare invoices and packing lists to the expenditure authorization form prior to processing payments.

Cash Disbursements

General

- No one is authorized to pay employees or vendors with cash (currency and/or coin).
- All disbursements made by the Agency, except from petty cash, should be made by check or credit/purchasing card.
- No check should be issued unless the purchase is authorized by the program director whose budget is being charged, or by the Executive Director.
- All disbursements will have proper supporting documentation (receipts, invoices, etc.) The supporting documentation should answer <u>who, what, why, when, and where</u>.
- Reimbursements and/or travel expenses to/for any employee must be approved by the employee's program director or the Executive Director. The Executive Director may be reimbursed without specific Board approval if the Business Manager also signs off on the purchase.
- **No purchase should be made unless prior authorization has been given by the program director whose budget is to be charged.** If an employee wishes to make a purchase with personal funds and be reimbursed, the appropriate program director **must** give approval prior to the purchase.

Check Preparation

- Pre-numbered check stock shall be kept secured and controlled by the Business Office.
    - Check stock is issued and verified by two employees.
- Invoices are entered into the accounting system by the Accounting Clerk.
- Checks are prepared by the Accounting Clerk or the Business Services Coordinator.
- Checks are to be made payable to the specified payees and never to cash or bearer.

- All supporting documentation should accompany the check when presented for signature.
- If it is necessary to void a check, the word "VOID" should be written or stamped on the check and the actual check shall be retained.

Check Signing

- **Never sign blank checks!** Checks should be completed in their entirety prior to signing.
- A check register and invoice approval ledger should be reviewed when signing checks.
- All checks under $1,000 may have one signature. Signature stamps should not be used.
    - First signature may be any of the following:
        - Executive Director
        - Development Director
        - Adult Ed Director (Agency only)
        - Early Childhood Director (Agency only)
        - Principal (Charter only)
        - Vice Principal (Charter only)
- All checks $10,000 and over and checks to staff must have a second signature.
    - The first and second signature must be according to the following:
        - Staff/individual and/or $1 - $9,999 – any 2 of the above
        - $10,000 + -- any 2 of the above.

Journal Entries/Electronic Funds Transfers

- Journal entries and electronic funds transfers should be substantiated by supporting documentation.
- Journal entries and electronic funds transfers shall be recorded in the Agency accounting system.
- Periodically, the audit committee or designee should review and approve the journal entries and electronic funds transfers

Review process

- Bank statements are delivered to and opened by the Executive Director who reviews all activity on the statement. The reviewer should initial the bank statement indicating their review.
- Bank reconciliations should be performed for all Agency accounts on a monthly basis. If the bank reconciliation is completed by someone who has access to the accounting system and the bank accounts, it should be reviewed and approved by another person, such as the principal or Executive Director, or a member of the audit committee or the board.
- Bank statements and related information should be filed for future reference, as needed.

Cash Receipts

General

- This policy is for the handling of all cash receipts, including currency, coin, checks, ACH transactions and credit card transactions.
- All receipting of funds that are delivered through the mail will be done in the front office. Those programs that collect funds will be responsible for the receipting of funds and submission to the

Business Office for deposit. Receipt of credit card donations will be done through the Development Office.

- All funds shall be kept in a controlled location until they can be deposited in the appropriate Agency or Charter School bank account. All Charter School funds should be deposited with three days after receipt, in compliance with Utah Code 51-4-2(2)(a).
- All checks should be made payable to the Agency or Charter School and should be restrictively endorsed upon receipt.
- All currency must be receipted by the program receiving the funds and submitted on a weekly basis to the Business Office.
- Under no circumstances are disbursements to be made directly from cash receipts, i.e. for purchases, reimbursements, refunds, or to cash personal checks.

Procedures

- Checks
    - Mail should be opened by the receptionist and funds received should be documented on a cash receipts log.
    - All checks should be stamped ***For Deposit Only*** immediately upon receipt.
    - Deposits are prepared by the Program Services Coordinator, or in their absence, by the Business Manager. Guadalupe School uses *Anytime Deposits* through Zions Bank, allowing onsite direct deposit into the Agency's operating account. *Anytime Deposits* creates a deposit slip and scans the checks. Physical checks are voided and attached to a copy of the deposit slip.

    - Deposit copies are distributed to the Development Director and to the Business Manager.
        - The Development Department tracks donor giving and prepares the appropriate acknowledgements to the donor.
        - The Business Office records the deposit in the Accounting System, coding each receipt to the appropriate general ledger account.
    - Deposit copies are filed for future reference. Voided checks are held for a minimum of one month and are then destroyed.
- Credit cards
    - Payments or donations made by credit card are typically made either on the Agency's website or by phone. Occasionally, a donor will send a credit card donation in the mail. All credit card information is kept in a secure location in the Business Office.
        - On-line
            - Both the Business Office and the Development Office are notified by e-mail of an online payment.
            - Merchant services provider deposits the funds, less their expenses, on a weekly basis. A summary of the deposit is emailed to the Business Office.
            - The Business Office records the deposit in the Accounting System, coding each receipt to the appropriate general ledger account.
        - Telephone
            - Donations by telephone are received by the Development Office.
            - All required information is recorded on the appropriate form and submitted to the Business Office to be processed on the on-line processing system.
            - See above for deposit information
        - Mail

- Upon receipt of a credit card donation by mail, the receptionist date stamps it and immediately delivers the donation to the Development Office.
- Development records the donation and submits the paperwork to the Business Office to be processed on the on-line processing system.
- See above for deposit information.

- ACH receipts
  - Donations made by ACH are typically recurring donations or grant payments. Recurring donations are on approximately the same day each month and are monitored by the Business Manager. Grant payment notifications are typically received by the Business Office prior to deposit in the Agency's account. These donations are recorded to the Accounting System on a monthly basis via journal entry.

- Currency
  - Although currency payments are discouraged, there are times when it must be handled by various programs. These instances are planned and currency receipts are documented by an assigned, trained person. Two-part receipts are issued noting the payer's name, date, amount received, and reason for the payment. The payer is given one copy and the duplicate is kept with the payment. Receipts are kept in a secure location and are reconciled and submitted to the Business Office for deposit on a regular basis.

Other financial items

Payroll

Pay periods run on a biweekly schedule and employees are paid on the Friday following the end of each pay period. The department supervisors review timecards and then give approval to the Payroll Processor (PP). The PP then makes a list of one-time exceptions to the regular payroll, i.e. overtime, deduction changes, etc. After exceptions are entered into the payroll system, the preliminary payroll register and impound summary are sent with the exceptions to the CFO and Charter Business Manager (CBM) for review of their respective payrolls. Once approval is given, the PP submits payroll. PP then sends the finalized impound sheet and check register to the CFO and CBM so they can transfer funds to the payroll bank account. Checks are signed and given to the employees on Friday.

Payroll Accounting

Being that payroll is processed externally, it is separate from the accounting system. The details must be manually entered into the accounting system. A journal entry is created showing total deductions and each staff member's pay, which is broken out into their specific program coding.

Allocation of salaries from multiple programs

When a staff member's salary is paid from multiple funding sources or programs, a schedule is set up showing the total annual amounts allocated from each funding source. A per-pay-period amount for each grant is allocated across multiple pay periods to achieve the total of each expenditure. For example:

Teacher ABC – Total Salary =	$54,101.00	$ 2,080.80
Allocation:		**Per pay period:**
Unrestricted (0050)	$ 4,191.26	$ 161.20
IGP (5676)	$17,000.00	$ 653.85

IGP-S (7699)	$23,175.00	$ 891.35
Title IV (7905)	$ 5,324.00	$ 204.77
PQE (5633)	$ 4,411.00	$ 169.64
Total	**$54,101.00**	**$ 2,080.81**

Restricted funds

Funds that are specifically restricted by the donor or grantors are monitored to be certain they are spent properly. The Business Office will advise program directors of the financial restriction guidelines and will prepare the appropriate financial reports.

Restricted funds

Funds that are specifically restricted by the donor or grantors are monitored to be certain they are spent properly. The Business Office will advise program directors of the financial restriction guidelines and will prepare the appropriate financial reports.

Financial reporting

Guadalupe School maintains a fiscal year of July 1st through June 30th. An annual audit of the prior year's finances is performed by an independent auditing firm allowing time for preparation and submission of all financial reports in a timely manner.

Sales tax

As a 501(c)3 charitable organization and as a Utah public elementary school, Guadalupe School is exempt from paying Utah state sales tax.

Budgeting

Annual budgets are prepared by the Agency administrative team and presented for preliminary approval to the Boards of the Agency and the Charter School in the spring of each year. Budgets are presented for final approval at the June meeting of each Board. If any grants are obtained during the fiscal year that are not included in the approved budget, the Executive Director, CFO and Charter Business Manager will review both the revenue and expense impacts of the grant and will make appropriate adjustments to the budget to properly account for the provisions of the new grant.

According to R277-113, LEA has established policies and procedures to ensure compliance with budgetary and expenditure requirements of Utah code 53G-7 and R277-113.

Fixed Assets

All fixed assets must be in order to be properly tracked. Fixed assets are verified annually.

Definition of a Fixed Asset

A fixed asset is defined by the following:

- It retains original shape and appearance with use
- It has a life expectancy of over one year
- It most often represents an investment of $1000 or more
- All purchases that meet the definitions above but fall below the $1000 cost per item because of volume purchasing will be considered a fixed asset, i.e. library books

Exceptions

Exceptions to the definitions of a fixed asset are listed below and **will be considered a fix asset at all times:**

- Computers
- Printers
- Scanners
- Copiers

Asset disposal

All property is to be disposed of through the Business Office. A "Request for Disposal" must be submitted and approved prior to the disposal or removal of any asset from the building or grounds.

Year-end Procedures

Annually and/or monthly, certain balance sheet accounts are reviewed prior to the annual audit. Reconciliations are reviewed by the CFO and/or Business Manager to ensure that balances are accurate and agree to detail documentation.

Balance Sheet Accounts reviewed and specific procedures:

- Paid Time Off – Includes detail listing of employees' hours and current rate of pay that agree to ledger balance. The reconciliation is prepared by the Payroll Coordinator
- Cash – Bank statement are reconciled to ledger balance each month. The reconciliations are prepared by the CFO/Business Manager and reviewed by another staff member who does not have access to bank accounts.

- Fixed Assets – Detail listing of assets from depreciation schedules are reconciled to the ledger balances. The detail listing are reviewed for any obsolete assets.
- Prepaid Accounts – Detailed listing of invoices paid in advance that agrees to the ledger balance. The reconciliation is prepared by the Accounting Assistant.
- Accounts Payable – Detailed listing of payables tied to the system ledger account. The listing is prepared by the Pelorus system and reconciled by the Accounting Assistant.
- Accounts Receivable – A detailed listing of any outstanding receivable is prepared by the CFO/Business Manager and reconciled to the ledger balance.
- Restricted Cash – Grants amounts granted versus expended are reviewed monthly to determine the Restricted Cash balance. The amount is reviewed monthly by the CFO, Executive Director and Board of Directors.
- Investment Accounts – Monthly statements are review and any interest, dividends or gain/loss on the accounts are recorded by the CFO
- Intercompany Payable/Receivable – These accounts are reviewed monthly by the Business Manager and reconciled to the ledger balance(s).

Audit Committee

The Audit Committee is comprised of GCEP and GCS board members, consistent with Subsection 53G-7-402.. These board members also serve on the Finance Committee. In accordance with R277-113-4 (Appendix A), the primary purposes of the audit committee are to provide oversight of:

- Assurance activities
  - Annual audits (financial statement, single audit, state compliance audit)
  - Monitoring financial activities of state and federal education funding
- Internal control systems
- Risk Process
- Compliance with laws and regulations

The Audit Committee also participates in the procurement process for the independent external auditor.

5001 Federal Grant Compliance

Guadalupe complies with all regulations of the Uniform Grant Guidance (2 CFR Part 200)

5001.2 IDEA Compliance

Use of amounts

According to CFR 300.202 IDEA funding provided to the LEA must be expanded in accordance with the applicable provisions of IDEA; must only be used to pay the excess costs of providing special education and related services to students with disabilities; and must be used to supplement State, local, and other Federal funds and not to supplant those funds.

School wide Programs

Notwithstanding the provisions of sec. 300.202 and 300.203 or any other provision of Part B of the act, an LEA may use funds received under Part B of the act for any fiscal year to carry out a school wide program under section 1114 of the ESSA. The amount used in any school wide program may not exceed the amount received by the LEA under Part B of the act for that fiscal year; divided by the number of children with disabilities in the jurisdiction of the LEA; and multiplied by the number of children with disabilities participating in the school wide program. When using funds in this manner, the LEA must still meet the requirements of 300.202 and 300.203, and must ensure that students with disabilities in school wide program schools still receive services in accordance with a properly developed IEP and are afforded all the rights and services guaranteed to children with disabilities under IDEA.

Personnel Development

The LEA has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities

Treatment of Charter Schools and their Students

Students with disabilities who attend public charter schools retain all rights under IDEA. Administrative and financial responsibilities of the LEA vary depending on whether the charter school of the LEA, the charter school is the LEA, or the charter school that is neither a school of the LEA or an LEA.

Procurement of instructional Materials in Accessible Format

Utah has elected to coordinate with the National Instructional Materials Access center(NIMAC) through the Utah State Instructional Materials Access center. (USIMAC) Utah has elected to adopt the National Instructional Materials accessibility standard and established National Instructional Materials Access center for the purpose of providing textbooks and related instructional materials to eligible students in a timely manner.

There is no fee to participate in Utah State Instructional Materials Access center program, although an LEA will sign and MOU with USIMAC prior to submitting orders. If LEA chooses not to coordinate with USIMAC, the LEA provides assurance that the LEA will provide instructional materials to students who require accessible textbooks and related instructional material in a timely manner.

This declaration is a requirement for each LEA in order to be eligible to receive IDEA funds. Whether or not an LEA participates in USIMAC, the LEA will be responsible for ensuring that each student who requires instructional materials in an alternate format will receive these materials in a timely manner.

Our LEA will coordinate with USIMAC.

Information for the state

The LEA shall provide data to the state on any information that may be required by the state or the secretary.

5001.3 Fiscal Control

The LEA shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. Applicant, on behalf of the LEA, agrees to abide by the rules and regulations described above.

5001.4 Non-Construction Programs

As applicable, the LEA agrees to the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal Laws, executive orders and regulations

5002 Cost Sharing, matching, Maintenance of effort

§ 200.306 Cost sharing or matching.

(a) Under Federal research proposals, voluntary committed cost sharing is not expected. It cannot be used as a factor during the merit review of applications or proposals, but may be considered if it is both in accordance with Federal awarding agency regulations and specified in a notice of funding opportunity. Criteria for considering voluntary committed cost sharing and any other program policy factors that may be used to determine who may receive a Federal award must be explicitly described in the notice of funding opportunity. See also §§ 200.414 and 200.204 and appendix I to this part.

(b) For all Federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the non-Federal entity's cost sharing or matching when such contributions meet all of the following criteria:

(1) Are verifiable from the non-Federal entity's records;

(2) Are not included as contributions for any other Federal award;

(3) Are necessary and reasonable for accomplishment of project or program objectives;

(4) Are allowable under subpart E of this part;

(5) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;

(6) Are provided for in the approved budget when required by the Federal awarding agency; and

(7) Conform to other provisions of this part, as applicable.

(c) Unrecovered indirect costs, including indirect costs on cost sharing or matching may be included as part of cost sharing or matching only with the prior approval of the Federal awarding agency. Unrecovered indirect cost means the difference between the amount charged to the Federal award and the amount which could have been charged to the Federal award under the non-Federal entity's approved negotiated indirect cost rate.

(d) Values for non-Federal entity contributions of services and property must be established in accordance with the cost principles in subpart E of this part. If a Federal awarding agency authorizes the non-Federal entity to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for cost sharing or matching must be the lesser of paragraph (d)(1) or (2) of this section.

(1) The value of the remaining life of the property recorded in the non-Federal entity's accounting records at the time of donation.

(2) The current fair market value. However, when there is sufficient justification, the Federal awarding agency may approve the use of the current fair market value of the donated property, even if it exceeds the value described in paragraph (d)(1) of this section at the time of donation.

(e) Volunteer services furnished by third-party professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for third-party volunteer services must be consistent with those paid for similar work by the non-Federal entity. In those instances in which the required skills are not found in the non-Federal entity, rates must be consistent with those paid for similar work in the labor market in which the non-Federal entity competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, necessary, allocable, and otherwise allowable may be included in the valuation.

(f) When a third-party organization furnishes the services of an employee, these services must be valued at the employee's regular rate of pay plus an amount of fringe benefits that is reasonable, necessary, allocable, and otherwise allowable, and indirect costs at either the third-party organization's approved federally-negotiated indirect cost rate or, a rate in accordance with § 200.414(d) provided these services employ the same skill(s) for which the employee is normally paid. Where donated services are treated as indirect costs, indirect cost rates will separate the value of the donated services so that reimbursement for the donated services will not be made.

(g) Donated property from third parties may include such items as equipment, office supplies, laboratory supplies, or workshop and classroom supplies. Value assessed to donated property included in the cost sharing or matching share must not exceed the fair market value of the property at the time of the donation.

(h) The method used for determining cost sharing or matching for third-party-donated equipment, buildings and land for which title passes to the non-Federal entity may differ according to the purpose of the Federal award, if paragraph (h)(1) or (2) of this section applies.

(1) If the purpose of the Federal award is to assist the non-Federal entity in the acquisition of equipment, buildings or land, the aggregate value of the donated property may be claimed as cost sharing or matching.

(2) If the purpose of the Federal award is to support activities that require the use of equipment, buildings or land, normally only depreciation charges for equipment and buildings may be made. However, the fair market value of equipment or other capital assets and fair rental charges for land may be allowed, provided that the Federal awarding agency has approved the charges. See also § 200.420.

(i) The value of donated property must be determined in accordance with the usual accounting policies of the non-Federal entity, with the following qualifications:

(1) The value of donated land and buildings must not exceed its fair market value at the time of donation to the non-Federal entity as established by an independent appraiser (*e.g.,* certified real property appraiser or General Services Administration representative) and certified by a responsible official of the non-Federal entity as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) (Uniform Act) except as provided in the implementing regulations at 49 CFR part 24, "Uniform Relocation Assistance And Real Property Acquisition For Federal And Federally-Assisted Programs".

(2) The value of donated equipment must not exceed the fair market value of equipment of the same age and condition at the time of donation.

(3) The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

(4) The value of loaned equipment must not exceed its fair rental value.

(j) For third-party in-kind contributions, the fair market value of goods and services must be documented and to the extent feasible supported by the same methods used internally by the non-Federal entity.

(k) For IHEs, see also OMB memorandum M-01-06, dated January 5, 2001, Clarification of OMB A-21 Treatment of Voluntary Uncommitted Cost Sharing and Tuition Remission Costs.

Title I Maintenance of Effort

Policy and Procedures

Policy Statement

The purpose of this policy is to ensure that Guadalupe School complies with the maintenance of effort (MOE) requirement for Title I, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the **Every Student Succeeds Act (ESSA**). The MOE requirement is intended to prevent the supplanting of state and local funds with federal funds.

The MOE requirement for Title I, Part A is that Guadalupe School must spend at least 90 percent of the state and local funds per pupil or in the aggregate that it spent in the preceding fiscal year. If SAMPLE LEA fails to meet this requirement, the Utah State Board of Education (USBE) will reduce the amount of Title I, Part A funds allocated to the LEA in the succeeding fiscal year by the percentage by which the LEA failed to maintain its effort.

Procedures

- Guadalupe School will use the same source of state and local expenditure data that it reports to the USBE to calculate its MOE for Title I, Part A.
- Guadalupe School will use the same student membership data that it reports to the USBE to calculate its per pupil expenditures for state and local funds.
- Guadalupe School will compare its state and local expenditures per pupil and in the aggregate for the current fiscal year with those for the preceding fiscal year to determine if it meets the 90 percent MOE requirement for Title I, Part A.
- Guadalupe School will provide documentation of its MOE calculation to the USBE when scheduled for a Title I monitoring visit.
- Guadalupe School will maintain records of its state and local expenditures and student membership data for each fiscal year and make them available to the USBE upon request.
- If Guadalupe School fails to meet the 90 percent MOE requirement for Title I, Part A, the LEA will work with the USBE to identify the reasons for the failure and develop a plan to restore its effort in the succeeding fiscal year.
- If Guadalupe School experiences a significant decline in state and local revenues or a significant increase in student enrollment, the LEA may request a waiver of the MOE requirement from the USBE. The USBE will review the request and grant or deny the waiver in accordance with the ESEA and its regulations.

5003 Period of Performance

§ 200.309 Modifications to Period of Performance.

If a Federal awarding agency or pass-through entity approves an extension, or if a recipient extends under § 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal award is issued, a distinct Period of Performance will begin.

5004 Remedies for Noncompliance

§ 200.339 Remedies for noncompliance.

If a non-Federal entity fails to comply with the U.S. Constitution, Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in § 200.208. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

(a) Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.

(b) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.

(c) Wholly or partly suspend or terminate the Federal award.

(d) Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).

(e) Withhold further Federal awards for the project or program.

(f) Take other remedies that may be legally available.

5005 Mandatory Disclosures

§ 200.113 Mandatory disclosures.

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII to this part are required to report certain civil, criminal, or administrative proceedings to SAM (currently FAPIIS). Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

5006 Equipment

§ 200.313 Equipment..

(a) ***Title.*** Subject to the requirements and conditions set forth in this section, title to equipment acquired under a Federal award will vest upon acquisition in the non-Federal entity. Unless a statute specifically authorizes the Federal agency to vest title in the non-Federal entity without further responsibility to the Federal Government, and the Federal agency elects to do so, the title must be a conditional title. Title must vest in the non-Federal entity subject to the following conditions:

(1) Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.

(2) Not encumber the property without approval of the Federal awarding agency or pass-through entity.

(3) Use and dispose of the property in accordance with paragraphs (b), (c), and (e) of this section.

(b) ***General.*** A state must use, manage and dispose of equipment acquired under a Federal award by the state in accordance with state laws and procedures. Other non-Federal entities must follow paragraphs (c) through (e) of this section.

(c) ***Use.***

(1) Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the non-Federal entity must not encumber the property without prior approval of the Federal awarding agency. The Federal awarding agency may require the submission of the applicable common form for equipment. When no longer needed for the original program or project, the equipment may be used in other activities supported by the Federal awarding agency, in the following order of priority:

(i) Activities under a Federal award from the Federal awarding agency which funded the original program or project, then

(ii) Activities under Federal awards from other Federal awarding agencies. This includes consolidated equipment for information technology systems.

(2) During the time that equipment is used on the project or program for which it was acquired, the non-Federal entity must also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by Federal awarding agency that financed the equipment and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-federally-funded programs or projects is also permissible. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in § 200.307 to earn program income, the non-Federal entity must not use equipment acquired with the Federal award to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal Government retains an interest in the equipment.

(4) When acquiring replacement equipment, the non-Federal entity may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

(d) ***Management requirements.*** Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) ***Disposition.*** When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

(1) Items of equipment with a current per unit fair market value of $5,000 or less may be retained, sold or otherwise disposed of with no further responsibility to the Federal awarding agency.

(2) Except as provided in § 200.312(b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair market value in excess of $5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share $500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

(3) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.

(4) In cases where a non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.

5007 Suspension or Debarment

§ 200.214 Suspension and debarment.

Non-Federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. The regulations in 2 CFR part 180 restrict awards, sub awards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

5008 Sub recipient and Contractor Determinations

§ 200.331 Sub recipient and contractor determinations.

The non-Federal entity may concurrently receive Federal awards as a recipient, a sub recipient, and a contractor, depending on the substance of its agreements with Federal awarding agencies and pass-through entities. Therefore, a pass-through entity must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a sub recipient or a contractor. The Federal awarding agency may supply and require recipients to comply with additional guidance to support these determinations provided such guidance does not conflict with this section.

(a) ***Sub recipients.*** A sub award is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the sub recipient. See definition for *Sub award* in § 200.1 of this part. Characteristics which support the classification of the non-Federal entity as a sub recipient include when the non-Federal entity:

(1) Determines who is eligible to receive what Federal assistance;

(2) Has its performance measured in relation to whether objectives of a Federal program were met;

(3) Has responsibility for programmatic decision-making;

(4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and

(5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

(b) ***Contractors.*** A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. See the definition of *contract* in § 200.1 of this part. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the contractor:

(1) Provides the goods and services within normal business operations;

(2) Provides similar goods or services to many different purchasers;

(3) Normally operates in a competitive environment;

(4) Provides goods or services that are ancillary to the operation of the Federal program; and

(5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

(c) ***Use of judgment in making determination.*** In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a sub recipient or a contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a sub award or a procurement contract.

R277-113 Financial Management

Guadalupe will expend and account for Federal awards in accordance with Federal and State law and USBE Rules, including compliance with the USBE published chart of accounts. Guadalupe complies with the provisions of 200.302 (i.e., that our financial management system (e.g., software, F, documentation, controls) meets the minimum standards established in section (b)(1)-(7) including:

1) identification, and accurate, current, and complete disclosure, of federal awards and expenditures - including records of such;

2) effective control over all funds, property and other assets purchased with Federal funds, including adequately safeguarding all assets and ensuring they are used solely for authorized purposes; and

3) establishment of written procedures to

a) implement cash management requirements
b) for the determination of allow ability of costs in accordance with 2 CFR 200 Subpart E- Cost Principles parts 400-475;
The LEA provides assurance that they comply with the provisions of 2 CFR 200 Subpart E, including:

4) Documentation is maintained to provide sufficient evidence to support the determination of allowable direct costs, cost allocations, and application of indirect costs;

5) In accordance with the guidelines established by the Utah State Board of Education and Federal regulation 2 CFR § 200.430(i), Guadalupe School has adopted the following procedures in regard to time and effort monitoring.

All employees paid in whole or in part with federal funds, and employees whose salaries are used to meet a matching requirement, are required to provide time and effort documentation that accurately represents the work that has been performed during the period being reported on. These records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- Be incorporated into official records;
- Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
- Encompass both federally assisted and all other activities compensated by the agency on an integrated basis;
- Comply with the established accounting policies and practices of the agency; and
- Support the distribution of the employee's salary or wages among specific activities or cost objectives.
- Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to federal awards but may be used for interim accounting purposes provided that the system for establishing the estimates produces reasonable approximations of the activity actually performed

Time and Effort Procedures

To meet the above requirements, all employees must complete time and effort forms as required below. Each form must list the cost objective in which work was performed.

A cost objective is a program, function, activity, award, organizational subdivision, contract, or work unit of which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. (2 CFR § 200.28)

Semi-Annual and Personal Activity Reports

All employees whose work is funded fully (100%) by a single cost objective or grant award will complete a semi-annual certification. The semi-annual certification must be:

- Completed at least every six (6) months (twice a year);
- Be signed by the employee or the supervisor with direct knowledge of the work being performed;
- Reflect an after-the-fact distribution of the actual activity; and
- Account for the total activity for which each employee is compensated.

A personnel activity report (PAR) must be completed if an employee is funded partially on one (1) or more grant cost objective(s). It provides a written record of an employee's work activities used to document that employee's time to grants or projects, completed at least quarterly All employees who work on multiple cost objectives must complete PARs that support the distribution of their salaries /wages that meet the following standards:

- Reflect an after-the-fact distribution of the actual activity, not a budget estimate;
- Account for the total work activity for which each employee is compensated;
- Be prepared at least quarterly and coincide with one (1) or more pay periods; and
- Be signed by the employee or supervisor.

At least quarterly, a timesheet will be created for each employee whose work is supported by a federal award. The payroll checklist generated by the payroll processor separates out hours worked on specific departments, usually related to afterschool. A general ledger detail report will be run from the accounting system to verify the different codes that the employee's time is allocated to. Time will be calculated using this report and the total hours worked for each employee will be confirmed by a timeclock report from the payroll system. Time and effort reports will be signed by the employee or their supervisor.

6) Guadalupe abides by the terms of the indirect costs' agreement renewed annually with USBE
7) Sufficient internal controls to ensure compliance with factors affecting the allow ability of cost (2 CFR 200.420-475)

Appendix A

R277. Education, Administration.

R277-107-3. LEA Relationship to Activities Involving Educators.

(1) An LEA may sponsor extracurricular activities or opportunities for students.

(2) Extracurricular activities are subject to:

(a) school fee laws and rules, including the provisions of R277-407;

(b) fee waivers;

(c) procurement laws; and

(d) all other applicable laws and rules.

(3) An employee that participates in a private, but public education-related activity, is subject to the following requirements:

(a) An employee's participation in the activity shall be separate and distinguishable from the employee's public employment;

(b) An employee may not, in promoting private, but public education-related activity:

(a) contact students at a public school, except as permitted by this rule; or

(b) use education records, resources, or information obtained through the employee's public employment unless the records, resources, or information are readily available to the general public.

(4) An employee may not use school time to discuss, promote, or prepare for:

(a) a private activity; or

(b) a private, but public education-related activity.

(5) An employee may:

(a) offer private, but public education-related services, programs or activities to students provided that they are not advertised or promoted by the employee during school time;

(b) discuss a private, but public education-related activity with students or parents outside of the classroom and the regular school day;

(c) use student directories or online resources which are available to the general public; and

(d) use student or school publications in which commercial advertising is allowed, to advertise and promote the activity.

(6) An employee may not condition credit and participation in a public school program or activity on a student's participation in such activities as clinics, camps, private programs, or travel activities, which are not equally and freely available to all students.

R277-113. LEA Fiscal and Auditing Policies.

R277-113-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law;

(c) Subsection 53E-3-501(1)(e)(i), which directs the Board to establish rules and minimum standards for school productivity and cost effectiveness measures;

(d) Subsection 53E-3-501(1)(e)(iv), which allows the Board to adopt rules regarding financial, statistical, and student accounting requirements;

(e) Section 53E-3-602, which allows the Board to approve auditing standards for LEA governing boards;

(f) Section 53E-3-603, which requires the Board to verify accounting procedures of LEA governing boards for the purpose of determining the allocation of Uniform School Funds;

(g) Section 53E-5-202, which directs the Board to adopt rules to implement a statewide accountability system;

(h) Subsection 53G-5-404(4), which requires charter schools to make the same annual reports required of other public schools, including an annual financial audit report; and

(i) ESSA, which requires states to revise and redesign school accountability systems.

(2) The purpose of this rule is to:

(a) require LEAs to formally adopt and implement policies regarding the management and use of public funds;

(b) provide minimum standards, procedures and definitions for LEA policies;

(c) direct that LEAs make policies, procedures and training materials available to the public and readily accessible on LEA or public school

websites, to the extent of resources available;

(d) require LEAs to train employees in:

(i) appropriate financial practices;

(ii) necessary accounting procedures; and

(iii) ethical financial practices;

(e) specify uniform budgeting, accounting, and auditing procedures for LEAs consistent with GAAP, GAAS, and GAGAS; and

(f) establish reporting and accounting requirements for LEAs to enable the Board to comply with ESSA.

R277-113-2. Definitions.

(1) "Accrual basis of accounting" means a basis of accounting that records:

(a) revenue when earned and expenses when incurred; and

(b) transactions irrespective of the dates on which any associated cash flows occur.

(2) "Administration" means:

(a) an LEA superintendent or director;

(b) a deputy or associate superintendent or director;

(c) a business administrator or manager; or

(d) another LEA educational administrator, designated staff, or a designated educational service provider.

(3) "Arm's length transaction" means a transaction between two unrelated, independent, and unaffiliated parties or a transaction between two parties acting in their own self interest that is conducted as if the parties were strangers so that no conflict of interest exists.

(4) "Exclusive contract or arrangement" means an agreement requiring a buyer to purchase or exchange all needed goods or services from one seller.

(5) "FASB" means the Financial Accounting Standards Board whose purpose is to establish GAAP for nongovernmental entities within the United States.

(6) "GAAP" means Generally Accepted Accounting Principles or a common framework of accounting rules and standards for financial reporting promulgated by either FASB or GASB, as applicable to the reporting entity.

(7) "GAAS" means Generally Accepted Auditing Standards or a set of auditing standards and guidelines promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants.

(8) "GAGAS" means Generally Accepted Government Auditing Standards or a set of auditing standards and guidelines promulgated by the Government Accountability Office.

(9) "GASB" means the Governmental Accounting Standards Board whose purpose is to establish GAAP for state and local governments within the United States.

(10) "Internal controls" means a process, implemented by an entity's governing body, administration, or other personnel, designed to:

(a) provide reasonable assurance regarding the achievement of objectives in the following categories:

(i) effectiveness and efficiency of operations;

(ii) reliability of reporting for internal and external use; and

(iii) compliance with applicable laws and regulations;

(b) provide reasonable assurance regarding the achievement of the following objectives over state and federal awards:

(i) proper recording and accounting for transactions, in order to:

(A) permit the preparation of reliable financial statements and state and federal reports;

(B) maintain accountability over assets; and

(C) demonstrate compliance with state and federal statutes, regulations, and the terms and conditions of state and federal awards; and

(ii) execution of transactions in compliance with:

(A) all state and federal statutes and regulations; and

(B) the terms and conditions of state or federal awards; and

(c) safeguard funds, property, and other against loss from unauthorized use or disposition.

(11) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(12) "Modified accrual basis of accounting" means a basis of accounting, commonly used by government agencies, that recognizes revenues when they become available and measurable and recognizes expenditures when liabilities are incurred.

(13) "Non-operating LEA" means an LEA that has not received minimum school program funds or federal funds and is not providing educational services during a fiscal year, such as an LEA in a start-up period.

(14) "N-size" means the minimum size necessary to disclose or display data to ensure maximum student group visibility while protecting student privacy.

(15) "Operating LEA" means an LEA that has received state minimum school program funds or federal funds and is providing educational services during a fiscal year.

(16)(a) "Provided, sponsored, or supported by a school" has the same meaning as defined in Section R277-407-2.

(b) "Provided, sponsored, or supported by a school" does not apply to non-curricular clubs specifically authorized and meeting all criteria of Sections 53G-7-704 through 53G-7-707.

(17) "Public funds" has the same meaning as that terms is defined in Subsection 51-7-3(26).

(18) "Title IX" refers to that portion of the United States Education Amendments of 1972 codified as 20 U.S.C. 1681 through 20 U.S.C. 1688.

(19) "Utah Public Officers' and Employees' Ethics Act," means Title 67, Chapter 16, which provides standards of conduct for officers and employees of the state of Utah and its political subdivisions in areas where there are actual or potential conflicts of interest between public duties and private interests.

R277-113-3. Superintendent Responsibilities.

(1) The Superintendent shall provide training, informational materials, and model policies for use by LEAs in developing LEA and public school-specific financial policies.

(2) The Superintendent shall provide online training and resources for LEAs regarding the use and management of public funds and ethical practices for licensed Utah educators who manage, control, participate in fundraising, or expend public funds.

(3) The Superintendent shall provide training and informational materials for use by LEA governing boards in establishing their audit committees and internal audit programs in compliance with Section 53G-7-402.

(4) The Superintendent shall provide and establish a cycle for state review of LEA fiscal policies and standards.

(5) The Superintendent shall work with and provide information upon request to the Utah State Auditor's Office, the Legislative Fiscal Auditors, and other state agencies with the right to information from the Board.

R277-113-4. LEA Audit Responsibilities.

(1) The presiding officer of an LEA governing board shall ensure that the members of the governing board and audit committee are provided with training on the requirements of Title 53G, Chapter 7, Part 4, Internal Audits, and this Section R277-113-4 as part of the member on-boarding process.

(2) The training described in Subsection (1) shall:

(a) comply with Title 63G, Chapter 22, State Training and Certification Requirements; and

(b) use the online training and informational materials provided by the Superintendent in accordance with Subsection R277-113-3(3).

(3) An LEA governing board shall:

(a) designate board members to serve on an audit committee, consistent with Subsection 53G-7-401(1); and

(b) maintain the following information on the LEA's website:

(i) names of the governing board members who serve on the audit committee; and

(ii) if required by Subsection 53G-7-402(2);

(A) the name and contact information of the internal audit director; and

(B) a copy of the LEA's annual audit plan.

(4) An LEA audit committee shall:

(a) ensure the LEA obtains all audits, agreed-upon procedures, engagements, and financial reports required by Section 51-2a-201 and Subsection 53G-5-404(4);

(b) provide an independent forum for internal auditors, internal audit contractors, and other regulatory bodies to report findings of fraud, waste, abuse, non-compliance, or control weaknesses, particularly if LEA administration is involved;

(c) ensure that corrective action on findings, concerns, issues and exceptions reported by independent external auditors, internal auditors, or other regulatory bodies are resolved in a timely manner by LEA administration;

(d) present, as appropriate, information and reports from the audit committee's meetings to the LEA board; and

(e) receive, as appropriate, reports of reviews, monitoring, or investigations conducted by LEA administration and ensure appropriate corrective action is taken in a timely manner.

(5) With regards to engagements completed by an independent external auditor, an LEA audit committee shall:

(a) manage the audit procurement and quality process in compliance with Title 63G, Chapter 6a, State Procurement Code and Rule R123-5;

(b) ensure that the independent external auditor has access to directly communicate with the audit committee;

(c) review disagreements between independent external auditors and LEA administration;

(d) consider LEA responses to audits or agreed-upon procedures; and

(e) determine the scope and objectives of other non-audit services, as necessary.

(6) An LEA audit committee shall if required by Section 53G-7-402:

(a) establish an internal audit program that provides internal audit services for the programs administered by the LEA;

(b) advise the LEA board in the appointment of an audit director or in contracting for internal audit services in accordance with Subsection

53G-7-402(3);

(c) conduct or advise the LEA board in an annual evaluation of the internal audit director or contractors providing internal audit services;

(d) prioritize the internal audit plan based on risk;

(e) receive regular updates on the internal audit plan and internal audit project progress; and

(f) receive final internal audit reports from internal auditors or contractors providing internal audit services.

R277-113-5. LEA Fiscal Responsibilities and Required Fiscal Policies.

(1) An LEA shall review the LEA's fiscal policies and procedures regularly.

(2) An LEA shall develop a plan for annual training of LEA and public school employees on policies and procedures enacted by the LEA specific to job function.

(3) LEA fiscal policies and procedures shall be available at each LEA main office, at individual public schools, and be publicly available on the LEA's website.

(4) LEA fiscal policies, procedures, and training may have different components, specificity, and levels of complexity for public elementary and secondary schools.

(5) An LEA may have one or more policies to satisfy the minimum requirements of this R277-113.

(6) An LEA fiscal policy may reference specific training manuals or other resources that provide detailed descriptions of business practices which are too lengthy or detailed to include in the LEA policy.

(7) A public education foundation established by an LEA shall follow the requirements set forth in Section 53E-3-403.

(8)(a) An LEA shall ensure that the LEA's written fiscal policies and procedures address all applicable state and federal statutes and regulations.

(b) The requirements set forth in this Section R277-113-5 are minimum requirements.

(c) An LEA may include other related items, provide LEA specific policy and guidance, and set polices that are more restrictive and inclusive than the minimum provisions established by Board rule.

(9) LEA fiscal policies shall include the following:

(a) a program accounting policy that establishes internal controls and procedures to record program revenues and expenditures in accordance with:

(i) GAAP; and

(ii) the school fee provisions in Section R277-407-13;

(b) a program accounting policy that:

(i) accurately reflects the use of funds for allowable costs and activities;

(ii) requires that transactions be recorded when they occur;

(iii) allows adjusting journal entries during the year and at the end of the year, in accordance with GAAP; and

(iv) requires that initial transactions, and adjusting entries if applicable, be recorded in the proper program, utilizing the following codes as established by the Board approved chart of accounts:

(A) fund;

(B) function;

(C) program;

(D) location; and

(E) object or revenue code, as applicable;

(c) a cash handling policy, which shall address cash receipts (cash, checks, credit cards, and other items) collected at the LEA and individual public schools and shall include:

(i) establishment of internal controls and procedures over the collection, deposit, and reconciliation of cash receipts received; and

(ii) compliance with Utah Code 51-4-2(2) regarding deposits.

(d) an expenditure policy, which shall address all expenditures made by the LEA and individual public schools and shall include:

(i) establishment of internal controls and procedures over the initiation, approval and monitoring of expenditures, including:

(A) credit, debit, or purchase card transactions;

(B) employee reimbursements;

(C) travel; and

(D) payroll;

(ii) directives regarding the appropriate use of the LEA's tax exempt status number;

(iii) compliance with Section 63G-6a-1204 regarding length of multi-year contracts;

(iv) compliance with:

(A) Title 63G, Chapter 6a;

(B) Board rule regarding construction and improvements; and

(C) Title IX;

(v) requirements for LEA contracts, including:

(A) inclusion of specific scope of work language;

(B) inclusion of federal requirements;

(C) inclusion of language regarding data privacy and use, where appropriate; and

(D) legal review prior to LEA approval; and

(vi) procedures and documentation maintained by the LEA if the LEA chooses to enter into exclusive contracts or arrangements consistent with state procurement law and the LEA procurement policy; and

(vii) procedures for determining allowability of costs in accordance with relevant regulations and terms and conditions of awards;

(e) a fundraising policy that:

(i) establishes procedures for LEA and public school fundraising in general;

(ii) establishes an approval process for fundraising activities for school sponsored activities;

(iii) provides for compliance with school fee and fee waiver provisions outlined in Rule R277-407; and

(iv) includes:

(A) specific designation of employees by title or job description who are authorized to approve fundraising, school sponsored activities, and grant fee waivers with appropriate attention to student and family confidentiality;

(B) establishment of internal controls and procedures over the approval of fundraising and school sponsored activities and compliance with

associated cash handling and expenditure policies;

(C) directives regarding the appropriate use of the LEA's tax exempt status number and issuance of charitable donation written disclosure in accordance with IRS regulations;

(D) procedures governing LEA or public school employee interaction with parents, donors, and organizations doing fundraisers not provided, supported or sponsored, by a school or LEA;

(E) disclosure requirements for LEA and public school employees approving, managing, or overseeing fundraising activities, who also have a financial or controlling interest or access to bank accounts in the fundraising organization or company;

(F) Provisions establishing compliance with:

(I) Utah Constitution, Article X, Section 2, establishing a free public education system;

(II) R277-407; and

(III) Title IX;

(v) may include procedures governing:

(A) student participation and incentives offered to students;

(B) allowable types of individual or group fundraising activities; and

(C) participation in school sponsored activities by volunteer or outside organizations;

(f) an LEA donation and gift policy that includes:

(i) an acceptance and approval process for:

(A) monetary donations;

(B) donations and gifts with donor restrictions;

(C) donations of gifts, goods, materials, or equipment; and

(D) donation of funds or items designated for construction or improvements of facilities;

(ii) establishment of internal controls and procedures over the acceptance and approval of donations and gifts and compliance with associated cash handling and expenditure policies;

(iii) directives regarding the appropriate use of the LEA's tax exempt status number, and issuance of charitable donation written disclosure in accordance with IRS regulations;

(iv) procedures regarding the objective valuation of donations or gifts if advertising or other services are offered to the donor in exchange for a donation or gift;

(v) procedures governing LEA or public school employee conduct with parents, donors, and nonschool sponsored organizations;

(vi) procedures establishing provisions for direct donations or gifts to the LEA or LEA programs, individual public school or public school programs;

(vii) provisions restricting donations from being directed at specific LEA employees, individual students, vendors, or brand name goods or services;

(viii) compliance with:

(A) Title 63G, Chapter 6a;

(B) state law and Board rule regarding construction and improvements;

(C) IRS regulations and tax deductible directives; and

(D) Title IX;

(ix) procedures for:

(A) accepting donations and gifts through an LEA's legally organized foundation, if applicable;

(B) recognition of donors; or

(C) granting naming rights; and

(e) an LEA Financial Reporting policy, which shall include the following:

(i) a requirement that the LEA shall ensure external audits of LEA financial reporting, compliance, and performance, in accordance with GAAS and GAGAS;

(ii)(A) a requirement that the LEA shall provide financial reporting in a manner consistent with the basis of accounting as required by GAAP, as applicable to the entity;

(B) for state fiscal year 2020, if an LEA follows FASB standards, a requirement that the LEA shall provide reconciliation between the accrual basis of accounting and modified accrual basis of accounting; and

(C) beginning with state fiscal year 2021, a requirement that the basis of accounting will be GASB; and

(iii) a requirement that the LEA shall provide data and information consistent with budgeting, accounting, including the uniform chart of accounts for LEAs, and auditing standards for Utah LEAs provided online annually by the Superintendent.

(10) The Superintendent shall maintain a School Finance website with applicable Utah statutes, Board rules, and uniform rules for:

(a) budgeting;

(b) financial accounting, including a chart of accounts required for an LEA;

(c) student membership and attendance accounting;

(d) indirect costs and proration;

(e) financial audits;

(f) statistical audits; and

(g) compliance and performance audits.

R277-113-6. LEA Governing Board Fiscal Responsibilities.

(1) An LEA governing board shall have the following responsibilities:

(a) approve written fiscal policies and procedures required by Section R277-113-5;

(b) ensure, considering guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission, that LEA administration establish, document, and maintain an effective internal control system for the LEA;

(c) develop a process to regularly discuss and review LEA:

(i) budget and financial reporting practices;

(ii) financial statements and annual financial and program reports;

(iii) financial position;

(iv) expenditure of restricted funds to ensure administration is complying with applicable laws, regulations, and award terms and conditions;

and

(v) systems and software applications for compliance with financial and student privacy laws;

(d) receive the results of required annual audits from the external auditor in accordance with Section R123-5-5;

(e) oversee procurement processes in compliance with Title 63G, Chapter 6a, Utah Procurement Code, and Rule R277-115, including:

(i) reviewing the scope and objectives of LEA contracts or subawards with entities that provide business or educational services; and

(ii) receiving reports regarding the compliance and performance of entities with contracts or subawards;

(f) ensure the procurement process for an external auditor is in compliance with Section R123-5-4;

(g) ensure LEA administration implements sufficient internal controls over the functions of entities with contracts or subawards to perform services on behalf of the LEA;

(2) An LEA governing board shall:

(a)(i) provide a hotline independent from administration for stakeholders to report concerns of fraud, waste, abuse, or non-compliance; and

(ii) post on the school's website in a readily accessible location:

(A) a hotline phone number;

(B) a hotline email; or

(C) an online complaint form; or

(b) post a link on the school's website in a readily accessible location with contact information for the Board's hotline.

R277-113-7. Reporting of School Level Expenditures.

(1) In accordance with ESSA, the Superintendent shall make public the per pupil expenditures of federal, state, and local funds, for each LEA and each school in the state.

(a) The Superintendent shall exclude expenditures that:

(i) are non-current;

(ii) do not reflect the day-to-day operations of an LEA or school;

(iii) do not contribute to k-12 education; or

(iv) are significant, unique expenditures that may skew data in certain years and thwart year-to-year comparison.

(b) The Superintendent shall publish and make available a comprehensive list of expenditures that are excluded from per pupil expenditure information.

(2) The Superintendent's school level report for each school shall include:

(a) average daily membership for the fiscal year covered by the report;

(b) an indicator if the school is:

(i) a Title I School; or

(ii) a Necessarily Existent Small School;

(c) grade levels served by each school;

(d) student demographics;

(e) expenditures recorded at the school level and central expenditures allocated to each school by:

(i) federal program expenditures; and

(ii) state and local combined expenditures;

(f) calculated per pupil expenditures; and

(g) average teacher salary.

(3) The Superintendent may not report expenditure data for a school with an n-size of less than 10.

R277-113-8. LEA Accounting Requirements.

(1) Each LEA shall:

(a) record revenues and expenditures in compliance with the Board approved chart of accounts;

(b) record expenditures using school location codes that can be mapped to official school location codes used in the Board system of record;

(c) record expenditures using approved district and school codes in the Board system of record;

(d) submit expenditures using location codes in the UPEFS system;

(e) perform program accounting in accordance with GAAP and this rule; and

(f) beginning with the fiscal year that begins on July 1, 2021, accrue school fees, and fee waivers and use contra-revenue accounts to record fee waivers in the LEA's accounting system.

(2) Each LEA shall record and report the following expenditures for each school annually:

(a) salaries;

(b) benefits;

(c) supplies;

(d) contracted services; and

(e) equipment.

(3) If an LEA pays for contracted services that occur at the school level, the LEA shall record the payments to the contractors in the appropriate function and object codes established under Subsection (2) at the school level.

(4)(a) An LEA shall record centralized administrative costs to the administrative location code.

(b) The Superintendent shall allocate such costs to each school based on school enrollment.

(5) The Superintendent shall present one expenditure report for a school receiving more than one report card under Subsection R277-497-4(8).

(6) If an LEA reports expenditures in programs, the LEA shall report the expenditures to one or more schools.

R277-113-9. Activities Provided, Sponsored, or Supported by a School.

(1) An LEA or school shall comply with this Section R277-113-9 for all activities provided, sponsored, or supported by a school.

(2) An LEA shall ensure that revenues raised from or during activities provided, sponsored, or supported by a school are classified, recorded, and deposited as public funds in compliance with LEA cash handling, program accounting, and expenditure of funds policies as required by Section R277-113-5.

(3) An LEA shall:

(a) maintain records in sufficient detail to:

(i) track individual contributions and expenditures;

(ii) track overall financial outcomes; and

(iii) verify compliance with relevant regulations; and

(b) make records of activities available to parents, students, and donors, except as restricted by state or federal law;

(4) An LEA may establish LEA-specific rules or policies:

(a) designating categories of activities or groups as provided, sponsored, or supported by the school; and

(b) regarding use of facilities or LEA resources.

(5) An LEA shall document their annual review of fundraising activities that support or subsidize LEA or public school-authorized clubs, activities, sports, classes, or programs to determine if the activities are provided, sponsored, or supported by a school.

(6)(a) An LEA may enter into contractual agreements to allow for fundraising and use of LEA facilities.

(b) An agreement under Subsection (6)(a) shall take into consideration the LEA's fiduciary responsibility for the management and use of public funds, resources, and assets.

(c) An LEA shall review an agreement under Subsection (6)(a) with the LEA's insurer or legal counsel to consider risk to the LEA.

(7) An LEA shall comply with this Subsection (7) for any activity not provided, sponsored, or supported by a school:

(a) An LEA shall conduct all transactions at arm's length;

(b) An LEA may not co-mingle revenue and expenditures with public funds; and

(c) A public school employee may only manage or hold funds consistent with Rule R277-107

R277-107-6 **Public Education Employee/Sponsor Agreements or Contracts**

(1) An agreement between an employee and a sponsor of a private, but public education-related activity shall be signed by the employee and include the following acknowledgments:

(a) the parties understand that the activity is not sponsored by an LEA;

(b) the employee's responsibilities to the activity sponsor are outside the scope of and unrelated to any public duties or responsibilities the employee may have as a public education employee; and

(c) the employee agrees to comply with laws and rules of the state and policies regarding advertising and employee participation.

(2) An employee shall provide the LEA business administrator, superintendent, or charter school director with a signed copy of all contracts between the employee and a sponsor of a private, but public-education related activity.

(3) An LEA shall maintain a copy of a contract described in Subsection (2) in the employee's personnel file.

R277-113-10. LEA Policies and Compliance with State and Federal Law.

(1) An LEA is responsible to ensure that its policies comply with the following:

(a) Utah Constitution Article X, Section 3;

(b) Title 63G, Chapter 6a, Utah Procurement Code;

(c) Title 51, Chapter 4, Deposit of Funds Due State;

(d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

(e) Family Educational Rights and Privacy Act, 20 U.S.C. 1232g;

(f) Title 63G, Chapter 2, Government Records Access and Management Act;

(g) Title 53G, Chapter 7, Student Fees;

(h) Title 53G, Chapter 6, Textbook Fees;

(i) Section 53E-3-403, Establishment of Public Education Foundations;

(j) Title 53G, Chapter 7, Part 7, Student Clubs Act;

(k) Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

(l) Additional state legal compliance guides for operating LEAs and non-operating LEAs as published by the office of the state Auditor;

(m) Subsection 51-7-3(26), Definition of Public Funds;

(n) Title 53G, Chapter 7, Part 4, Internal Audits;

(o) Rule R277-407, School Fees;

(p) Rule R277-107, Educational Services Outside of Educator's Regular Employment;

(q) Rule R277-217, Utah Educator Standards;

(r) Rule R277-605, Coaching Standards and Athletic Clinics;

(s) Rule R123-5, Audit Requirements for Audits of Political Subdivisions and Governmental Nonprofit Corporations; and

(t) 2 C.F.R. 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

(2) An LEA shall include the following requirements of Title IX in LEA policies:

(a) Fundraising shall equitably benefit males and females;

(b) Males and females shall have reasonably equal access to facilities, fields, and equipment;

(c) School sponsored activities shall be reasonably equal for males and females.

KEY: school sponsored activities, public funds, fiscal policies and procedures, audit committee

Date of Enactment or Last Substantive Amendment: November 10, 2020

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-401(4); 53E-3-501(1)(e Guadalupe complies CFR 200.337

Appendix B

R277-407-13. Budgeting and Spending Revenue Collected Through Fees -- Fee Revenue Sharing Requirements.

(1) An LEA shall follow the general accounting standards described in Rule R277-113 for treatment of fee revenue.

(2) An LEA shall:

(a) establish a spend plan for the revenue collected from each fee charged; and

(b) if the LEA has two or more schools within the LEA, share revenue lost due to fee waivers across the LEA.

(3)(a) A spend plan described in Subsection (2)(a) provides students, parents, and employees transparency by identifying a fee's funding uses.

(b) An LEA or school's spend plan shall identify the needs of the activity, course, or program for the fee being charged and shall include a list or description of anticipated types of expenditures, for the current fiscal year or as carryover for use in a future fiscal year, funded by the fee charged.

(4)(a) Financial inequities or disproportional impact of fee waivers may not fall inequitably on any one school within an LEA.

(b) An LEA that has multiple schools shall establish a procedure to identify and address potential inequities due to the impact of the number of students who receive fee waivers within each of the LEA's schools.

Appendix C

Effective 5/12/2020

R277-471 63G-6a-107.7. Procurement rules.

(1) (a) Subject to Subsection (1)(b), the rulemaking authority for a procurement unit shall make rules relating to the management and control of procurements and procurement procedures by the procurement unit.

(b) Building board rules governing procurement of construction projects, design professional services, and leases apply to the procurement of construction projects, design professional services, and leases of real property, respectively, by the Division of Facilities Construction and Management.

Appendix D – 7 CFR 210.21 – Procurement – Child Nutrition

(a) ***General.*** State agencies and school food authorities shall comply with the requirements of this part and 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415, as applicable, which implement the applicable requirements, concerning the procurement of all goods and services with nonprofit school food service account funds.

(b) ***Contractual responsibilities.*** The standards contained in this part and 2 CFR part 200, subpart D and USDA implementing regulations 2 CFR part 400 and part 415, as applicable, do not relieve the State agency or school food authority of any contractual responsibilities under its contracts. The State agency or school food authority is the responsible authority, without recourse to FNS, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in connection with the Program. This includes, but is not limited to source evaluation, protests, disputes, claims, or other matters of a contractual nature. Matters concerning violation of law are to be referred to the local, State, or Federal authority that has proper jurisdiction.

(c) ***Procedures.*** The State agency may elect to follow either the State laws, policies and procedures as authorized by 2 CFR 200.317, or the procurement standards for other governmental grantees and all governmental subgrantees in accordance with 2 CFR 200.318 through 2 CFR 200.326. Regardless of the option selected, States must ensure that all contracts include any clauses required by Federal statutes and executive orders and that the requirements 2 CFR 200.236 and Appendix II, Contract Provisions for Non-Federal Entity

Contracts Under Federal Award are followed. A school food authority may use its own procurement procedures which reflect applicable State and local laws and regulations, provided that procurements made with nonprofit school food service account funds adhere to the standards set forth in this part and in 2 CFR part 200, subpart D, as applicable. School food authority procedures must include a written code of standards of conduct meeting the minimum standards of 2 CFR 200.318, as applicable.

(1) ***Pre-issuance review requirement.*** The State agency may impose a pre-issuance review requirement on a school food authority's proposed procurement. The school food authority must make available, upon request by the State agency, its procurement documents, including but not limited to solicitation documents, specifications, evaluation criteria, procurement procedures, proposed contracts and contract terms. School food authorities shall comply with State agency requests for changes to procurement procedures and solicitation and contract documents to ensure that, to the State agency's satisfaction, such procedures and documents reflect applicable procurement and contract requirements and the requirements of this part.

(2) ***Prototype solicitation documents and contracts.*** The school food authority must obtain the State agency's prior written approval for any change made to prototype solicitation or contract documents before issuing the revised solicitation documents or execution of the revised contract.

(3) ***Prohibited expenditures.*** No expenditure may be made from the nonprofit school food service account for any cost resulting from a procurement failing to meet the requirements of this part.

(d) ***Buy American*** -

(1) ***Definition of domestic commodity or product.*** In this paragraph (d), the term 'domestic commodity or product' means -

(i) An agricultural commodity that is produced in the United States; and

(ii) A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

(2) ***Requirement.***

(i) ***In general.*** Subject to paragraph (d)(2)(ii) of this section, the Department shall require that a school food authority purchase, to the maximum extent practicable, domestic commodities or products.

(ii) ***Limitations.*** Paragraph (d)(2)(i) of this section shall apply only to -

(A) A school food authority located in the contiguous United States; and

(B) A purchase of domestic commodity or product for the school lunch program under this part.

(3) ***Applicability to Hawaii.*** Paragraph (d)(2)(i) of this section shall apply to a school food authority in Hawaii with respect to domestic commodities or products that are produced in Hawaii in sufficient quantities to meet the needs of meals provided under the school lunch program under this part.

(e) ***Restrictions on the sale of milk.*** A school food authority participating in the Program, or a person approved by a school participating in the Program, must not directly or indirectly restrict the sale or marketing of fluid milk (as described in § 210.10(d)(4) of this chapter) at any time or in any place on school premises or at any school-sponsored event.

(f) ***Cost reimbursable contracts*** -

(1) ***Required provisions.*** The school food authority must include the following provisions in all cost reimbursable contracts, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:

(i) Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;

(ii)

(A) The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or

(B) The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;

(iii) The contractor's determination of its allowable costs must be made in compliance with the applicable Departmental and Program regulations and Office of Management and Budget cost circulars;

(iv) The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the State agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;

(v) The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and

(vi) The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the State agency, or the Department.

(2) ***Prohibited expenditures.*** No expenditure may be made from the nonprofit school food service account for any cost resulting from a cost reimbursable contract that fails to include the requirements of this section, nor may any expenditure be made from the nonprofit school food service account that permits or results in the contractor receiving payments in excess of the contractor's actual, net allowable costs.

(g) ***Geographic preference.***

The VRA is conducted independently from the Title IX process, free from outcome pressure, but is informed by it. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner.

The TAT conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or the community.

---

(1) A school food authority participating in the Program, as well as State agencies making purchases on behalf of such school food authorities, may apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. When utilizing the geographic preference to procure such products, the school food authority making the purchase or the State agency making purchases on behalf of such school food authorities have the discretion to determine the local area to which the geographic preference option will be applied;

(2) For the purpose of applying the optional geographic procurement preference in paragraph (g)(1) of this section, "unprocessed locally grown or locally raised agricultural products" means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: Cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk.

[53 FR 29147, Aug. 2, 1988, as amended at 64 FR 50741, Sept. 20, 1999; 70 FR 70033, Nov. 21, 2005; 71 FR 39516, July 13, 2006; 72 FR 61491, Oct. 31, 2007; 76 FR 22607, Apr. 22, 2011; 77 FR 4153, Jan. 26, 2012; 81 FR 66489, Sept. 28, 2016]