

UT/SUU SUCCESS Academy

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Forensic/Program Review and Investigative Audit Report Board Packet

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Attention:

SUCCESS Academy School Board

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Forensic Program and Investigative Audit Report

SUCCESS Academy

I. Executive Summary

This independent forensic investigation and program review was initiated following the November 2023 Utah State Board of Education (USBE) Findings of Noncompliance , persistent worker grievances filed in early 2026 , and documented administrative process vulnerabilities across the organization's partner university settings. While SUCCESS Academy successfully completed a checklist-based desktop clearance via its school year 2023–2024 Program Improvement Plan (PIP) to temporarily secure a superficial state standing of "Meets Requirements" , a structural gap remains between formal paperwork compliance and actual classroom implementation.

The primary purpose of this investigative audit is to establish an objective "truth-check" regarding the substantive integrity of special education delivery, discipline equity, and categorical fiscal containment within the Local Education Agency (LEA).

Methodologically, this report shifts away from simple checklist verifications.

Determinations are established through a strict triangulation standard combining comprehensive general ledger exports, Student Information System (SIS) records, physical metadata trails, and exhaustive, on-site, in-person interviews with campus administrators, instructional staff, counselors, and consultants.

Purpose & Mandate

The purpose of this independent investigation is to determine if the local education agency (LEA) has met its corrective action obligations under the November 2023 Utah State Board of Education (USBE) Findings of Noncompliance, addressed administrative concerns regarding discipline, and maintained absolute fiscal integrity regarding personnel and external consultant usage.

Scope & Objectives:

The scope of review incorporates a comprehensive document and ledger analysis

spanning Fiscal Years 2023 through 2026 (Year-to-Date). The deliverables center on verifying the alignment between reported compliance metrics and classroom implementation realities via data triangulation, which includes analyzing individual student Individualized Education Program (IEP) service grids, contemporaneous Special Education Service (SESS) logs, administrative Office Discipline Referrals (ODRs), and personnel labor distribution reports across both partner university campus locations.

Summary of Critical Findings:

The forensic review identified operational and fiscal process variances that create regulatory exposure for SUCCESS Academy.

- ***Fiscal Stewardship and Account Blurring (Path B):*** The audit identified significant internal control failures that expose categorical special education funds to state recoupment.
 - Restricted federal IDEA Part B flow-through funds were utilized under an un-itemized, flat-rate monthly retainer structure to pay an outside consultant a cumulative total of \$43,028.23 (expanding to \$47,028.23 with unitemized FY23 entries) out of account line 10-780-x-7524-1000-320. These payments cleared continuously despite witness admissions that campus principals (specifically at the SUU campus) deferred staff training blocks and that contract deliverables directly duplicated the core coordination duties of inside staff.
 - Labor distribution records confirm that restricted special education funds paid an instructional aide \$11,972.65 in FY25 and \$4,755.66 in FY26 YTD while she was deployed by building leadership to run general education contexts. This misallocation occurred at the SUU Campus, where leadership directed her to proctor a general education study hall under the non-compliant assumption that the physical presence of a single student with an active IEP authorized charging the full environment's labor costs to special education.
 - On December 15, 2025, at the SUU Campus, leadership issued a directive requiring a special education teacher to coordinate Section 504 accommodations for non-special education students, creating an unallowable funding conflict under federal supplement-not-supplant guidelines.

- **Missing Service Logs and System Lockouts (Path C):** Student files reveal severe tracking gaps where mandated Individualized Education Program (IEP) related service minutes show zero documentation in service search logs for periods exceeding 30 to 45 consecutive days.
 - Notably, at the SUU Campus, a school counselor confirmed in writing a complete absence of record-keeping for a high-needs student's mandated 60-minute monthly emotional regulation counseling hours from September 2025 through February 2026, stating that details were "rarely logged".
 - Substantive intervention delivery was stalled by cross-campus data-sharing blocks, system-wide database lockout errors, and identity-tracking mismatches. These technological process barriers left external social workers entirely unable to access student profiles or implement mandatory services for months at a time.
- **Hidden Disciplinary Records and Disparate Treatment (Path A):** The investigation exposed a high-liability decoupling of building discipline files from the central database (PowerSchool).
 - Campus principals certified that zero behavioral data points existed natively on-system, separate off-ledger building safety logs confirm that high-stakes infractions—including a pocket knife weapons violation, racial language investigations on March 11, 2026, and unlogged classroom exclusions executed as "forced resets"—were actively occurring on-site at the SUU Campus.
 - This information siloing broke the LEA's data feedback loop, preventing the special education team from tracking cumulative removal thresholds required to trigger mandatory federal Manifestation Determination Reviews.
 - Ground-level observations confirmed that disability-related behaviors were treated as willful misconduct, resulting in discriminatory, disparate treatment and punitive classroom ejections compared to non-disabled peers for identical classroom behaviors.

Ultimate Conclusion:

The current special education structure at SUCCESS Academy is unsustainable and represents an internal control deficiency. The program has failed to implement

1. Formalized standard operating procedures required to secure real-time service

tracking (required for progress monitoring and parent/guardian reporting required under the IDEA),

2. Personnel time-and-effort documentation (required for IDEA flow-through fund tracking), and
3. Cross-campus data integration [required for state reporting—e.g. Civil Rights Data Collection (CRDC) reporting].

These systemic process gaps are driven by an inefficient staffing model that assigns an independent, full-time line and an outside consulting firm to support a total localized footprint of only five active special education students. This configuration fixes an artificially high spending floor under federal Maintenance of Effort (MOE) laws, locking the school into a heavy financial draw in perpetuity unless structural adjustments are executed.

To proactively insulate the organization from compliance exposure, secure fiscal liability, and protect student rights, it is recommended that the Board:

1. Transition away from the current inefficient service delivery and compliance structure,
2. Execute comprehensive Memorandums of Understanding (MOUs)/contracts for all special education testing, case management, and instructional delivery out to its partner school districts,
3. Centralizing oversight of special education under the a school administrator, and
4. Provide on-going professional learning for LEA's administrators regarding:
 - a. Special education implementation (accommodations, modifications, specially designed instruction)
 - b. Administrative Oversight (fiscal compliance, resource allocation, data tracking, anti-retaliation, and legal standards).

III.B. Root Cause Analysis (RCA)

To ensure this report moves beyond symptomatic treatment of noncompliance, a Root Cause Analysis was performed. Using the 5-C framework (Condition, Cause, Criterion, Effect, and Corrective Action), we have isolated the primary drivers of the current deficiencies. This analysis distinguishes between isolated human error and the systemic process gaps that create regulatory liability for the school.

Systemic Classification	Condition (Finding)	Root Cause (The "Why")	Criteria (Mandated Standard)	Consequence (Risk/Effect)	Actionable Board Remedy
1. FAPE Implementation and Related Service Tracking	Failure to track or record mandated related service minutes within SESS logs, resulting in multi-week documentation gaps and an unmitigated denial of counseling services for high-needs students.	SUCCESS Academy operates without an objective standard operating procedure for daily tracking. Related service counselors were permitted to operate under an unaligned process where personal notes were kept external to the special education loop, completely unmonitored by management.	34 CFR § 300.323 mandates that an LEA must implement a student's IEP with absolute fidelity exactly as written in the service grid. <i>Andrew F. (2017)</i> establishes that the educational program must be reasonably calculated to generate progress based on continuous, repeated performance tracking.	Clear procedural and substantive denial of FAPE; the school faces substantial financial exposure from mandatory state corrective actions and retroactive compensatory education hour payloads.	Implement a strict 24-hour service logging rule; require all special education teachers, aides, and contracted district related service providers to upload face-to-face service data strings into the primary database within one day of contact with an IEP student.

Systemic Classification	Condition (Finding)	Root Cause (The "Why")	Criteria (Mandated Standard)	Consequence (Risk/Effect)	Actionable Board Remedy
2. Fiscal Containment and Account Blurring	Restricted categorical special education grant funds were diverted to pay for general education operations, including funding general study hall proctoring blocks and assigning special education teacher lines to perform Section 504 entries.	Building administration operated under the incorrect assumption that the basic physical presence of a single student with an active IEP authorized billing the entire setting's labor allocation to special education, combined with an absence of time-and-effort cross-checks in the business office.	34 CFR § 300.202 and the USBE Special Education Rules enforce a rigid "Supplement, Not Supplant" mandate; restricted funds can only be drawn to fund the excess costs of supplying specialized supports to students with active disabilities.	Immediate state audit exception standing; SUCCESS Academy faces direct federal fund recoupment and financial clawbacks from state monitoring agents for all non-allowable personnel draws.	Adopt a mandatory semi-annual and monthly electronic time-and-effort certification workflow; prohibit the use of special education personnel for any general education overhead assignment unless split-funded and proportionally allocated in a written job description.

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3. Systems Opacity and Disciplinary Data Siloing	High-stakes behavioral infractions, weapons confiscations, and forced ejections were sequestered by campus principals in private safety ledgers while certifying on the central database that zero behavioral incidents had occurred.	Building administration separated behavioral documentation into private, off-system folders to prevent teacher frustration, entirely decoupling high-stakes safety incidents from the special education case manager's visibility.	34 CFR § 300.530 and USBE Special Education Rules V.A.1 dictate that an LEA must precisely record and monitor every single instance of disciplinary removal for a child with a disability to guarantee protection under federal procedural safeguards.	Possible evasion of cumulative 10-day tracking triggers required for mandatory Manifestation Determination Reviews; extreme legal liability exposure to a formal investigation by the Office for Civil Rights (OCR) for disability-based discrimination.	Establish a mandatory standard operating procedure for real-time disciplinary log integration; require all building administrators to natively input ODR metrics and class removals into PowerSchool, backed by a hard-coded 5-day cumulative removal alert trigger.

IV. Summary of Findings, Determinations & Recommendations

A. Closing Statement

The findings of this forensic review establish that SUCCESS Academy's compliance risk is primarily driven by an unestablished systemic framework and an absence of formalized processes and procedures. While administrative innovation and campus expansion outpaced existing internal controls, the program failed to implement the formalized standard operating procedures required to secure real-time service tracking, personnel time-and-effort documentation, and cross-campus data integration. This structural process deficit permitted unlogged related services, non-compliant resource draws, and data-siloing between departments to persist completely unaddressed by management, creating legal and operational liability for the school. Corrective actions must prioritize the institutional adoption of objective, standard operating procedures to stabilize the control environment.

B. Recommendations for the Board

To correct documented process variances, resolve outstanding liabilities, and create rigorous financial and operational internal controls, the SUCCESS Academy Board of Directors must immediately execute the following three recommendations:

Recommendation 1: Centralizing and Formalizing the Related Service Tracking

- ***Compliance Officer Oversight:*** The Board should assign a compliance officer (typically a school administrator with existing or ongoing special education/IDEA administrative training) with full system access to campus behavioral data—to prevent inadvertent or intentional behavioral/discipline data-siloing. This officer should execute monthly reconciliations between mandated IEP service grids and actual SESS instructional logs.
- ***The 24-Hour Logging Policy:*** Create a standard operating procedure that requires all special education teachers, instructional aides, and related service providers and counselors to enter verified service delivery metrics natively into the system within 24 hours of student contact.

Recommendation 2: Formalizing Inter-Departmental Data Sharing for Disciplinary Logs

- ***Eliminate Off- Ledger Data Silos:*** Develop and enforce a standard operating procedure for real-time disciplinary and behavioral data sharing between building administration and the special education department.
- ***Native PowerSchool Registry:*** Mandate that all Office Discipline Referrals (ODRs), administrative exclusions, and classroom removals are logged natively within PowerSchool.
- ***Automatic 5-Day Threshold Alerts:*** Hard-code an automated tracking alert in the database that flags when any special education student reaches 5 cumulative days of classroom removal. This ensures the case manager can initiate mandatory federal reviews before hitting the legal 10-day Manifestation Determination limit.

Recommendation 3: Enforcing Standard Operating Procedures for Fiscal and Personnel Allocation

To fix ongoing financial exposure and systematically lower the school's permanent federal spending baseline (MOE), the Board should approve a complete structural transition plan:

1. ***Reevaluate In-House Special Education Service delivery:*** Consider eliminating the internal, standalone special education teacher and program coordinator staffing lines from the SUCCESS Academy budget upon the expiration of the current contract cycle, as an enrollment footprint of five students would not typically justify standalone inside instructional lines.
2. ***Consolidate Special Education Oversight:*** Formally require a school administrator to perform the role of Special Education Director. This creates a single point of structural accountability for all state reporting, compliance issues, and grant assurances.
3. ***Contract with Partner School Districts:*** Shift the direct delivery of special education services and diagnostic evaluations to external public school systems via comprehensive, itemized contracts:
 - ***Iron County School District (ICSD):*** Contract with ICSD to provide specially designed instruction (to eligible students enrolled on the SUU campus), related services (including counseling and social skills instruction), comprehensive special education assessment/triennial evaluations (across both campus), and psychological data interpretation utilizing SUCCESS Academy's USBE approved Specific Learning Disability combination model, ensuring alignment and compliance with established and approved methods.
 - ***Washington County School District (WCSD):*** Contract with WCSD to

provide specially designed instruction (to eligible students enrolled on the Utah Tech campus), related services (including counseling and social skills instruction), and social skills counseling for students enrolled at the St. George campus setting.

4. ***Implement Systemic Leadership Training, Coaching, and Professional***

Development: To ensure this transition succeeds and prevent future compliance failures, the Board should establish a mandatory, comprehensive training and coaching program:

- *Executive Director and Campus Principals:* Provide continuous coaching and leadership training on federal IDEA legal and fiscal boundaries, allowable cost structures, resource allocation rules, data tracking oversight, anti-retaliation, and legal standards. This training will directly address how to distinguish general education Multi-Tiered Systems of Support (MTSS) from specialized instruction under an IEP.
- *General Education Teachers and Instructional Staff:* Deliver structured training workshops focused on recognizing disability-related behaviors, implementing student-specific Behavior Intervention Plans (BIPs) with high fidelity, applying classroom accommodations correctly, and protecting student dignity.

5. ***MOU Development:*** These agreements must explicitly hard-code the precise operational parameters governing cross-campus database synchronization, define real-time service logging requirements, and mandate the exact itemized flow of categorical funds to safely satisfy federal spending rules under strict Board oversight.

C. Engagement Closure and Final Delivery

Upon the formal delivery of this Final Audit Report and all identified deliverables as outlined in the Statement of Work (SOW), the engagement with GYST Compliance & Investigation, LLC is officially concluded. This completion satisfies the requirement for the "Engagement Completion Sign-Off" and establishes the "Final Deliverable Receipt," serving as the required paper trail to prevent future liability.

Official Delivery Date: June 22, 2026