

# Ascent Academies of Utah Board of Directors Meeting

Date: September 28, 2026

Time: 8:30 AM

Location: <https://us02web.zoom.us/j/87805755052>



## AGENDA

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### CALL TO ORDER

### PUBLIC COMMENT (Limited to three minutes each)

### REPORTS

- Director Report
- Finance Report

### CONSENT ITEMS

- August 10, 2026, Board Meeting Minutes

### VOTING & DISCUSSION ITEMS

- 2026-2027 LEA-Specific Licenses
- Amended TSSA Framework
- Policies
  - Amended Attendance Policy
  - Amended Bullying and Hazing Policy
  - Amended Fee Waiver Policy
  - Amended Financial Reporting Policy
  - Amended Financial Reporting, Debt, and Risk Management Plan
  - Amended Lottery and Enrollment Policy
  - Amended Student Conduct and Discipline Policy

### CALENDARING

- Next Board Meeting is tentatively scheduled for December 14, 2026, at 9:00 AM.

**CLOSED SESSION** - to discuss the purchase, exchange, or lease of real property pursuant to Utah Code 52-4-205(1)(d).

### ADJOURN

In compliance with the Americans with Disabilities Act, persons needing accommodations for this meeting should call 801-444-9378 to make appropriate arrangements. One or more board members may participate electronically or telephonically pursuant to UCA 52-4-207.



**ASCENT ACADEMIES OF UTAH**  
**BOARD OF DIRECTORS MEETING – EXECUTIVE SUMMARY**  
**SEPTEMBER 28, 2026**

**DIRECTOR REPORT**

See board documentation for most up to date report

**Action:** *No action needed*

**FINANCE REPORT**

See board documentation for most up to date report

**Action:** *No action needed*

**AMENDED TSSA FRAMEWORK**

The TSSA framework is required to be updated to include a Literacy Achievement in accordance with SB 241 (2026) and State Rule R277-927. The Plan has been updated to address the school's progress toward statewide literacy proficiency goals and if the school fails to meet statewide literacy goals, the school must dedicate at least 50% of TSSA funds toward evidence-based literacy interventions and practices as described in 53G-7-921304(2)(e).

**Action:** *Board Vote*

**LEA SPECIFIC LICENSE**

Administration is requesting LEA-specific licenses for **16** individuals. The license areas, and endorsements shall be valid for three (3) academic years as indicated on the attached spreadsheet which contains the associated educator information and rationale for the request. All LEA-Specific licenses will expire on June 30th of the final academic year approved. The Ascent Academies of Utah Board of Directors additionally acknowledges that LEA-Specific educator licenses, license areas, or endorsements may be renewed by the Utah State Board of Education (USBE). These renewals will be approved or denied on a case-by-case basis.

**Action:** *Board Vote*



## **POLICIES**

### Amending Attendance Policy:

The school's Attendance Policy and administrative procedures have been revised to reflect several bills enacted during the 2026 legislative session. HB 145 amended the definition of a “valid excuse.” HB 502 authorizes schools to include attendance as up to twenty percent (20%) of a student's final course grade for students in grades 7 through 12. SB 58 revised several attendance-related definitions, including “instructional hours” and “chronic absenteeism,” and established additional requirements for schools and governing boards. Among other things, SB 58 requires schools to regularly review attendance data to identify students at risk of chronic absenteeism, train relevant staff on the school's attendance policies and procedures, and implement attendance monitoring and intervention practices. It also requires governing boards to annually review attendance data, evaluate the effectiveness of attendance interventions, and ensure that the school has adequate resources to support attendance monitoring and intervention programs.

### Amending Bullying and Hazing Policy:

The USBE recently published a model Bullying Policy. Although the school's existing Bullying and Hazing Policy is already consistent with the model policy in most respects, several provisions from the model policy have been incorporated to further strengthen and clarify the school's policy. These revisions include adding definitions for “accountability practice” and “restorative justice practice,” requiring the school to leave a voicemail and send an email to a parent if the parent cannot be reached by telephone regarding an incident involving the parent’s child, clarifying that a student’s age, development, maturity, and other relevant factors will be considered when determining appropriate discipline for a policy violation, and expanding the policy’s provisions regarding annual reporting, employee training, and bullying incident reporting.

### Amending Fee Waiver Policy:

HB 142 permits students to receive fee waivers for no more than two (2) school-sponsored trips per school year. To qualify for a fee waiver for a second school-sponsored trip during the same school year, a student must request the waiver and, in coordination with school administration, complete an action plan describing how the student or the student's family will contribute to the School or the community through work or other service in lieu of paying the trip fees. The School's Fee Waiver Policy has been revised to reflect these statutory changes.

### Amending Financial Reporting Policy:



Audits of the school's financial reporting must now be conducted in accordance with both Generally Accepted Auditing Standards (GAAS) and Generally Accepted Government Auditing Standards (GAGAS). Because the School's Financial Reporting Policy currently references only GAAS, it has been revised to also require compliance with GAGAS.

Amending Lottery and Enrollment Policy:

The changes to this policy are intended to bring the policy into compliance with current law and the School's charter and Schedule A (if applicable) regarding enrollment preferences, and to reflect current law governing the denial of student admission based on prior disciplinary issues and misconduct (see SB 131 and SB 167 from 2026 legislative session). Additional revisions clarify the school's procedures for addressing material misrepresentations or omissions in lottery applications that are discovered after a student has been enrolled.

Amending Student Conduct and Discipline Policy:

SB 167 revised the requirements governing the reintegration of students involved in serious offenses, including the timing and required contents of student reintegration plans. SB 181 established new physical standards and requirements for seclusion rooms used in schools, including standards governing room size, ceiling height, construction materials, lighting, ventilation, audio and video recording equipment, and door locks. In addition, SB 181 establishes the circumstances under which seclusion may continue when a parent cannot be reached after 15 minutes and the 30-minute time limit has expired, and imposes new requirements on schools when violations relating to seclusion or physical restraint are alleged. HB 188 also revised the circumstances under which a school may refer a student to court for a drug offense, generally prohibiting a referral until after a third allegation that the student committed a drug offense on school property. The Student Conduct and Discipline Policy has been revised to reflect these legislative changes.

**Action:** Board vote

## Director's Report September 2026

### Enrollment

As with most other LEAs (charters and districts) we have seen an unexpected dip in enrollment after the start of this school year. As of 9/24/26, our enrollment was 2,800 students. This is slightly under the budgeted enrollment number. I have already had meetings with my AW finance team to address any budget plan changes needed. I have also held specific enrollment meetings with the principals and our marketing coordinator to develop plans to address the enrollment dip. This has resulted in roughly 20 new students who have enrolled so far. That said, we have learned that the vast majority of students who withdrew or did not show up for the beginning of the school year are families who told us they are "trying out homeschooling".

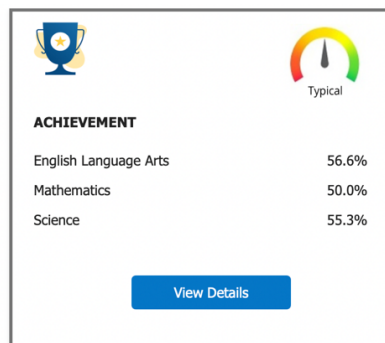
### LEA Specific Licenses

USBE provides a licensure option for teachers called LEA Specific License. This license means that the LEA (Ascent Academies) has reviewed teacher situations and has deemed the candidate eligible for a license in their LEA. These situations most often occur when a teacher is waiting for USBE to process paperwork, when a teacher is in school and finishing up their teaching degree, and when a teacher is licensed by teaching one elective class for which they do not have a license. Across all 5 campuses, Ascent is seeking 16 LEA Specific Licenses this year for reasons listed above. Full details about the teachers, the classes, and the reasons for this license are included in the spreadsheet in the Board packet.

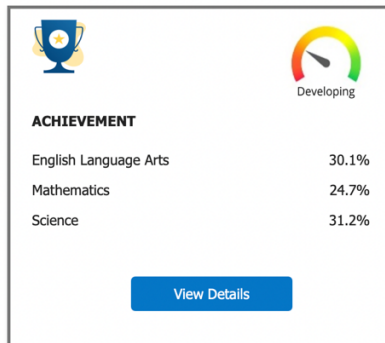
### Student Performance

USBE has released School Report Cards for LEAs to review (not released to the public until Oct 14, 2026). Here is some overview data on the School Report Cards for Ascent:

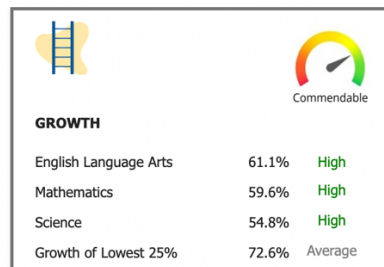
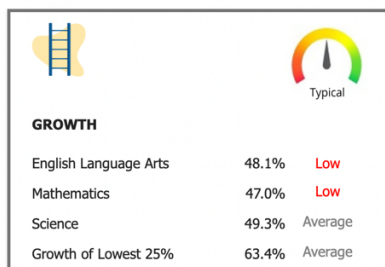
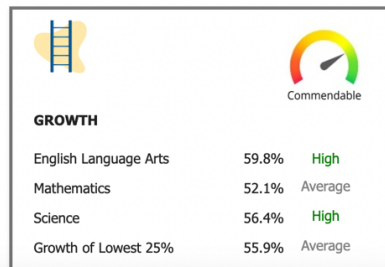
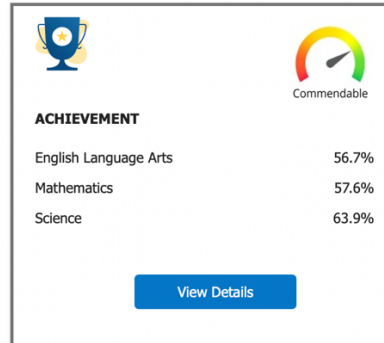
#### Ascent Farmington:



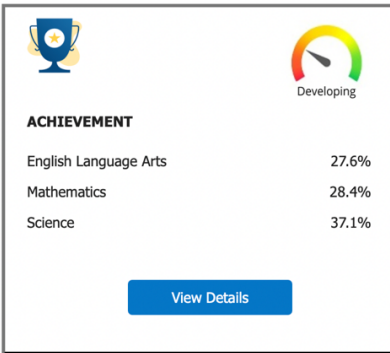
#### Ascent West Jordan:



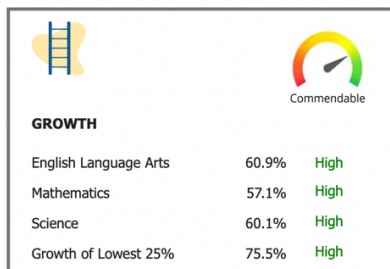
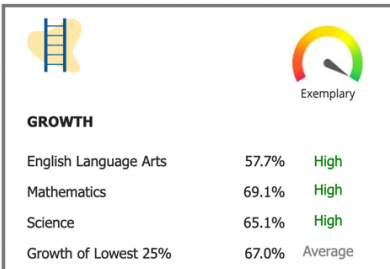
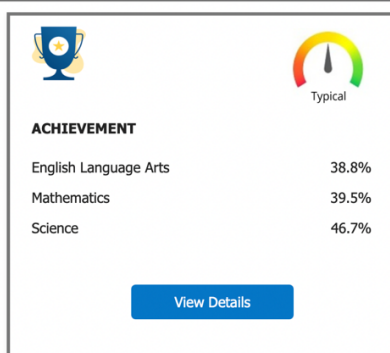
#### Ascent Lehi:



### Ascent West Valley:



### Ascent Saratoga:



I'd like to acknowledge the exceptional growth in student scores in Farmington, Lehi, West Valley, and Saratoga. Additionally, I'd like to highlight the exceptional achievement data in Lehi.

**Ascent Academies of Utah**  
**Statement of Financial Position**  
**Created on September 10, 2026**  
**For Prior Month**

|                                            | 07/01/2026<br>Through<br>08/31/2026<br><u>Actual</u> | Year Ending<br>06/30/2026<br><u>Actual</u> |
|--------------------------------------------|------------------------------------------------------|--------------------------------------------|
| <b>Assets &amp; Other Debits</b>           |                                                      |                                            |
| Current Assets                             |                                                      |                                            |
| Operating Cash                             | 16,586,404                                           | 14,973,549                                 |
| Accounts Receivables                       | (1,016,736)                                          | 1,126,202                                  |
| Total Current Assets                       | <u>15,569,668</u>                                    | <u>16,099,751</u>                          |
| Restricted Cash                            | <u>7,750,624</u>                                     | <u>6,767,194</u>                           |
| Net Assets                                 |                                                      |                                            |
| Fixed Assets                               | 79,814,779                                           | 79,814,779                                 |
| Depreciation                               | (11,930,807)                                         | (11,930,807)                               |
| Total Net Assets                           | <u>67,883,972</u>                                    | <u>67,883,972</u>                          |
| <b>Total Assets &amp; Other Debits</b>     | <u><b>91,204,264</b></u>                             | <u><b>90,750,917</b></u>                   |
| <b>Liabilities &amp; Fund Equity</b>       |                                                      |                                            |
| Current Liabilities                        | <u>125,112</u>                                       | <u>2,619,734</u>                           |
| Long-Term Liabilities                      | <u>85,193,574</u>                                    | <u>85,193,574</u>                          |
| Fund Balance                               | <u>2,937,608</u>                                     | <u>(187,228)</u>                           |
| Net Income                                 | <u>2,947,970</u>                                     | <u>3,124,837</u>                           |
| <b>Total Liabilities &amp; Fund Equity</b> | <u><b>91,204,264</b></u>                             | <u><b>90,750,917</b></u>                   |

# Ascent Academies of Utah

## Statement of Activities

Created on September 10, 2026  
For Prior Month

|                               | Annual<br>June 30, 2027<br>Budget | Year-to-Date<br>August 31, 2026<br>Actual | % of Budget    |
|-------------------------------|-----------------------------------|-------------------------------------------|----------------|
| <b>Net Income</b>             |                                   |                                           |                |
| Income                        |                                   |                                           |                |
| Revenue From Local Sources    | 1,436,722                         | 230,056                                   | 16.0 %         |
| Revenue From State Sources    | 37,086,350                        | 6,834,918                                 | 18.4 %         |
| Revenue From Federal Sources  | 1,705,238                         | (901,254)                                 | (52.9) %       |
| Total Income                  | 40,228,310                        | 6,163,720                                 | 15.3 %         |
| Expenses                      |                                   |                                           |                |
| Instruction/Salaries          | 18,792,374                        | 1,035,739                                 | 5.5 %          |
| Employee Benefits             | 5,527,240                         | 329,765                                   | 6.0 %          |
| Purchased Prof & Tech Serv    | 3,125,981                         | 367,590                                   | 11.8 %         |
| Purchased Property Services   | 1,204,163                         | 301,603                                   | 25.0 %         |
| Other Purchased Services      | 1,950,095                         | 249,541                                   | 12.8 %         |
| Supplies & Materials          | 1,910,443                         | 1,128,286                                 | 59.1 %         |
| Property                      | 565,000                           | 0                                         | 0.0 %          |
| Debt Services & Miscellaneous | 5,650,000                         | 8,607                                     | 0.2 %          |
| Total Expenses                | 38,725,296                        | 3,421,131                                 | 8.8 %          |
| <b>Total Net Income</b>       | <b>1,503,014</b>                  | <b>2,742,589</b>                          | <b>182.5 %</b> |

# Ascent Academies of Utah

## Board of Directors Meeting

**Date:** August 10, 2026

**Location:** <https://us02web.zoom.us/j/86493309984>

**Board Members Present:** Chris Bleak, Mike Greenhalgh, Jim Horton, Tyler Schvaneveldt

**Excused:** Stuart Adams

**Others Present:** Wade Glathar, Brandon Fairbanks, Gabe Clark, Heidi Bauerle, Dawn Benke, Hannah Jones, Joe Dunlop



### MINUTES

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**CALL TO ORDER** Chris Bleak called the meeting to order at 9:03 AM.

#### PUBLIC COMMENT

There were no public comments.

#### REPORTS

- Director Report

Wade Glathar reported that enrollment stands at 121 students (4%) above the annual goal as of August 6, with 11 added that week, while noting some unenrollment is expected around the start of the school year. Twenty-six teachers attended the weeklong Confratute SEM training at the University of Connecticut in July and reported it was highly worthwhile; they will present takeaways at their campuses through the year, and Ascent is bringing three UCONN presenters out for a full-day SEM training on August 14. The report noted a new invoice for the Special Education add-on to Benchmark Advance (the 2026 edition of the program having been approved at the prior meeting). An attendance report was also provided in response to a prior Board request, showing slightly improved attendance rates at every campus except West Jordan, with all campuses varying by less than 5% and remaining strong overall.

- Finance Report

The draft financial statements for the first month of the fiscal year were presented. The Statement of Financial Position shows total assets of \$92.2M, operating cash of \$15.6M, restricted cash of \$7.3M, and a fund balance of \$3.05M. The Statement of Activities reports year-to-date income of \$3.65M (9.1% of the \$40.2M annual budget) against expenses of \$1.31M (3.4% of budget), yielding net income of \$2.34M — well ahead of the budgeted pace early in the year, as expected in July. The statements are marked DRAFT and presented for review.

## CONSENT ITEMS

- June 8<sup>th</sup>, 2026, Board Meeting & Closed Session Minutes  
*Jim Horton made a motion to approve the June 8th, 2026, Board Meeting & Closed Session Minutes. Tyler Schvaneveldt seconded. Motion passed unanimously. Votes were as follows: Chris Bleak, Aye; Tyler Schvaneveldt, Aye; Jim Horton, Aye; Mike Greenhalgh, Aye.*

## VOTING & DISCUSSION ITEMS

- Award RFP for Food Service Management Company  
The Evaluation Committee recommends to the school's Board of Directors that it award the contract for Food Service Management Company services to Lunch Pro for a period of 5 years. The Food Service Management Company administers the school's meal program, including menu planning, meal preparation and delivery, staffing, and compliance with the requirements of the National School Lunch Program and applicable Utah State Board of Education and USDA regulations. Proposals were solicited in accordance with federal and state procurement requirements and were evaluated on cost, program compliance, food quality and nutritional standards, service capacity, and references.  
*Mike Greenhalgh made a motion to award the Food Service Management Company RFP to LunchPro. Tyler Schvaneveldt seconded. Motion passed unanimously. Votes were as follows: Chris Bleak, Aye; Tyler Schvaneveldt, Aye; Jim Horton, Aye; Mike Greenhalgh, Aye.*
- Award RFP for Occupational Therapy Services  
A Request for Proposal was issued for occupational therapy services in accordance with the Utah Procurement Code. Proposals were evaluated on qualifications and experience, staffing capacity, service model and responsiveness, references, and cost. The Evaluation Committee recommends to the school's Board of Directors that it award the contract for Occupational Therapy services to Educational Therapy Services for a period not to exceed 5 years.  
*Mike Greenhalgh made a motion to award the Occupational Therapy Services RFP to Educational Therapy Professionals. Jim Horton seconded. Motion passed unanimously. Votes were as follows: Chris Bleak, Aye; Tyler Schvaneveldt, Aye; Jim Horton, Aye; Mike Greenhalgh, Aye.*
- Insurance Renewal  
The Board is asked to approve payment of the premium for insurance coverage for the 2026–2027 school year. The school carries its primary property & casualty, liability, and related insurance coverage through Hanover Insurance Company. The renewal premium for 2026-27 is \$133,418.

*Tyler Schvaneveldt made a motion to approve the Insurance Renewal premium for \$133,418. Mike Greenhalgh seconded. Motion passed unanimously. Votes were as follows: Chris Bleak, Aye; Tyler Schvaneveldt, Aye; Jim Horton, Aye; Mike Greenhalgh, Aye.*

- Confratute Purchases

It is recommended that the Board approve the Confratute purchases in the total amount of \$61,610.55 and authorize the Director to execute the associated payments.

*Jim Horton made a motion to approve the Confratute purchases as discussed. Tyler Schvaneveldt seconded. Motion passed unanimously. Votes were as follows: Chris Bleak, Aye; Tyler Schvaneveldt, Aye; Jim Horton, Aye; Mike Greenhalgh, Aye.*

- Benchmark Curriculum Invoice

The Board is asked to review and approve the Benchmark Advance Supplemental Materials Invoice for \$53,350.00.

*Tyler Schvaneveldt made a motion to approve the Benchmark Curriculum Invoice. Jim Horton seconded. Motion passed unanimously. Votes were as follows: Chris Bleak, Aye; Tyler Schvaneveldt, Aye; Jim Horton, Aye; Mike Greenhalgh, Aye.*

- Policies

- Electronic Resources Policy
- Capitalization and Expense Policy
- Paid Parental and Postpartum Recovery Leave Policy
- Procurement Policy
- Purchasing and Disbursement Policy
- Sex Education Instruction Policy

*Mike Greenhalgh made a motion to approve the policies listed above as discussed. Jim Horton seconded. Motion passed unanimously. Votes were as follows: Chris Bleak, Aye; Tyler Schvaneveldt, Aye; Jim Horton, Aye; Mike Greenhalgh, Aye.*

## **CALENDARING**

The next board meeting is tentatively scheduled for October 12, 2026, at 9:00 AM.

**CLOSED SESSION** - to discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(1)(a).

This item was tabled.

## **ADJOURN**

*At 9:24 AM Mike Greenhalgh made a motion to adjourn the meeting. Jim Horton seconded. Motion passed unanimously. Votes were as follows: Chris Bleak, Aye; Tyler Schvaneveldt, Aye; Jim Horton, Aye; Mike Greenhalgh, Aye.*



September 28, 2026

Dear Superintendent,

The Ascent Academies of Utah Board approved LEA-Specific educator license(s) to 16 individual(s) in a public meeting held on September 28, 2026. The license areas, and endorsements shall be valid for three (3) academic years as indicated on the attached spreadsheet which contains the associated educator information and rationale for the request. All LEA-Specific licenses will expire on June 30th of the final academic year approved.

***Ascent Academies of Utah Board's*** following assurances:

- The LEA has adopted a policy, in accordance with R277-301-7, to prepare and support educators with an LEA-Specific license. This policy is posted online at [https://files.gabbart.com/1683/board\\_policy\\_manual\\_08242022\\_-\\_aau.pdf](https://files.gabbart.com/1683/board_policy_manual_08242022_-_aau.pdf)
- The educator has completed a criminal background check in accordance with Rule R277-214 and continued monitoring in accordance with Subsection 53G-11-403(1).
- The LEA will provide requisite training (educator ethics, classroom management/instruction, special education law/instruction, & Utah Effective Teaching Standards) within the 1<sup>st</sup> year of employment.
- The educators will complete the USBE Ethics Review within one (1) calendar year prior to being issued the license.
- The LEA will post all educator data, including assignments, in CACTUS no later (60) days following the date of the public governing board meeting approving the license area(s) and/or endorsement(s).
- Each LEA school employing an individual with an LEA-Specific license will prominently post the following on the school's website:
  - Disclosure that the school employs individuals holding an LEA-Specific educator license, license areas, and/or endorsements.
  - An explanation of the types of educator licenses issued by USBE (Professional, Associate, LEA-Specific):

“The following **designations or levels** apply to educator licenses, license areas (i.e.-elementary, secondary, special education), and content endorsements (i.e.-mathematics, music, Spanish, social studies):

♣ **Professional:** The educator has completed an educator preparation program that includes content and pedagogical knowledge. This program may have been completed at a university or in an alternate pathway that was supported by school districts/charters and the Utah State Board of Education.

♣ **Associate:** The educator is currently completing an educator preparation program, but has not yet completed all requirements for a Professional Educator License, license area, or endorsement. The educator is enrolled in a university-based or Local Education Agency (LEA)-based program. When the educator completes the program, they will have a professional level.

♣ **LEA-Specific:** The educator has not completed an educator preparation and is not currently enrolled in one.”

○ Percentage (based on FTE) of types of licenses, license areas, and endorsements held by educators employed in the school.

○ A link to the [Utah Educator Look-up Tool](#).

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

Sincerely,

Chris Bleak  
LEA Governing Body Chairperson

## **Student Success Framework**

Pursuant to UCA 53G-7-1304, Ascent Academies of Utah's Board of Directors adopts the following framework to provide guidelines and processes for the development of Teacher and Student Success Plans (one "Plan" per campus). The schools' Lead Director will develop a Plan for each campus in accordance with this framework and submit each Plan to the Board for approval. Each Plan will be developed by integrating school-specific goals and criteria for improving the schools' performance within the state accountability system.

The goal of each school's individual Plan shall be to improve school performance and student academic achievement. Each Plan may contain any of the following strategies:

1. school personnel stipends for taking on additional responsibility outside of a typical work assignment;
2. professional learning;
3. additional school employees, including counselors, social workers, mental health workers, tutors, media specialists, information technology specialists, or other specialists;
4. technology;
5. before- or after-school programs;
6. summer school programs;
7. community support programs or partnerships;
8. early childhood education;
9. class size reduction strategies;
10. augmentation of existing programs; or
11. any other strategy reasonably designed to improve school performance or student academic achievement.

Funding received pursuant to each school Plan may not be used:

1. to supplant funding for existing education programs;
2. for administrative costs;
3. for capital expenditures.

## **Literacy Achievement Requirement**

1. The Plan shall address the school's progress toward statewide literacy proficiency goals in accordance with SB 241 (2026) and State Rule R277-927.
2. If the school fails to meet statewide literacy goals, the school must dedicate at least 50% of TSSA funds toward evidence based literacy interventions and practices as described in 53G-7-921304(2)(e).

## Attendance Policy

**Adopted: December 11, 2013**

**Revised: March 25, 2019**

**Reviewed: June 25, 2020**

**Revised: December 14, 2020**

**Reviewed: June 23, 2021**

**Reviewed: June 28, 2022**

**Reviewed: June 12, 2023**

**Reviewed: October 24, 2023**

**Reviewed: April 6, 2026**

### Policy

Ascent Academies of Utah (the “School”) is committed to providing a quality education for every student. The School firmly believes that consistent attendance teaches students responsibility. Students learn the value of being punctual and prepared. Frequent absences and tardiness result in a loss of continuity of instruction. Also, frequent absences and tardiness prove disruptive for students, teachers, and staff. Excessive unexcused absences may lead to a student’s permanent dismissal from the School.

Parents are expected to take a proactive role in ensuring their children attend school. We recommend families plan their vacation schedule around the existing School calendar. When possible, medical and dental appointments should take place outside of school hours and parents should notify the School in advance of any absence. Parents and students are responsible for obtaining homework or assignments for the time period which the student is absent.

To encourage regular attendance and consistent participation, and as authorized by law, the School may incorporate attendance as a component of the final grade for every course offered in grades 7 through 9. For students enrolled in grades 7 through 9, attendance may account for up to twenty percent (20%) of each student’s final course grade.

The School intends for this policy to be consistent with the provisions of Utah’s compulsory education laws, Utah Code Ann. §§ 53G-6-201 through 53G-6-~~215~~, as well as Utah Administrative Code Rule R277-607.

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The Lead Director will establish attendance and attendance-grading procedures consistent with this policy and applicable law. The Lead Director will ensure that the policy and procedures are implemented consistently at the School and are publicized and distributed to parents.

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**Review and Evaluation**

The School’s Board of Directors shall review this policy ~~in an open and public meeting at least every five years.~~

~~On an annual basis, the Board shall also review relevant School attendance data, evaluate the effectiveness of the School’s attendance interventions, and ensure that adequate resources are allocated to support the School’s attendance monitoring and intervention programs and efforts.~~

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## **Bullying & Hazing Policy**

**Adopted: December 11, 2013**

**Revised: 12.15.2025**

### **Purpose**

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

### **Policy**

#### Prohibited Conduct

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

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

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

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

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

Students and School employees are prohibited from sharing a recording of an act of bullying, cyber-bullying, hazing, abusive conduct, and retaliation in order to impact or encourage future incidents. [This restriction does not prevent a student or employee from sharing such a recording with a teacher or administrator as part of reporting the incident or in response to a request from a teacher or administrator for the recording.](#)

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

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

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

#### Definitions

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

*Accountability Practice* – [For purposes of this policy, “accountability practice” means any evidence-based practice that increases academic outcomes, decreases behavior that disrupts the learning environment, and holds students accountable for their actions by requiring them to take responsibility to repair harm and provide restitution when appropriate.](#)

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

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

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

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

- (2) Title IX of the Education Amendments of 1972 (prohibits discrimination on the basis of sex);
- (3) Section 504 of the Rehabilitation Act of 1973 (prohibits discrimination on the basis of disability); or
- (4) Title II of the Americans with Disabilities Act (prohibits discrimination on the basis of disability).

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

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

- (1) (a) endangers the mental or physical health or safety of a School employee or student;
  - (b) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
  - (c) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a School employee or student; or
  - (d) involves any activity that would subject a School employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a School employee or student to extreme embarrassment, shame, or humiliation; and
- (2) (a)(i) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a School or School sponsored team, organization, program, club, or event; or
  - (ii) is directed toward a School employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a School or School sponsored team, organization, program, club, or event in which the individual who commits the act also participates.
- (3) The conduct described above constitutes hazing, regardless of whether the School employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

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

*Restorative Justice Practice* – For purposes of this policy, “restorative justice practice” means a discipline practice that brings together students, school personnel, families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and healing.

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

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

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

- (1) a School teacher;
- (2) a School staff member;
- (3) a School administrator; or
- (4) an individual:
  - (a) who is employed, directly or indirectly, by the School; and
  - (b) who works on the School’s campus(es).

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

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

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

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

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

- (1) ordinary teasing, horseplay, argument, or peer conflict;

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- (2) reasonable correction of behavior by a School employee; or
- (3) reasonable coaching strategies and techniques by a School employee who is a coach.

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

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

#### Reporting Prohibited Conduct

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

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

Each report of prohibited conduct shall include:

- (1) the name of complaining party;
- (2) the name of person subjected to the prohibited conduct (if different than complaining party);
- (3) the name of perpetrator (if known);
- (4) the date and location of the prohibited conduct; and
- (5) a statement describing the prohibited conduct, including names of witnesses (if known).

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

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

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

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

#### Investigation of Alleged Incidents

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

The School will investigate these alleged incidents by interviewing:

- (1) the individual who was allegedly targeted;
- (2) the individual who is alleged to have engaged in the prohibited conduct;
- (3) the parents or guardians of the students who were allegedly targeted and the individual who is alleged to have engaged in prohibited conduct;
- (4) any witnesses;
- (5) School staff familiar with the student who was allegedly targeted;
- (6) School staff familiar with the individual who is alleged to have engaged in prohibited conduct; or
- (7) Other individuals who may provide additional information.

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

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

The School shall keep a written record of the date and time individuals were interviewed; which individuals were interviewed (unless the individual requests to remain anonymous); and disciplinary reports and physical evidence reviewed as part of the investigation.

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

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

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

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

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

- (1) use accountability practices in accordance with policies established by the School; and

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

However, a student to whom an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct is directed is not required to participate in a restorative justice practice with an individual who is alleged to have engaged in prohibited conduct. If the School would like any student to participate in a restorative justice practice, the School will notify the student's parent or guardian of the restorative justice practice and obtain consent from the student's parent or guardian before including the student in the process.

#### Parental Notification

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

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

If the Campus Director or his/her designee believe that a situation exists which presents a serious threat to the well-being of a student, the Campus Director or his/her designee shall notify the student's parent or guardian without delay, before the end of the school day.

The Campus Director or his/her designee will attempt to contact the parent or guardian by telephone to provide this notification and to discuss the matter. If the parent or guardian is not available by telephone, the Campus Director or his/her designee will leave a voicemail and then also provide the parent or guardian the required notification by email.

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

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

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

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

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

#### Action Plan to Address Incidents

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

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

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

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

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

#### Communication Plan

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

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

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

#### Consequences of Prohibited Behavior

If, after an investigation, a student is found to be in violation of this policy by participating in or encouraging conduct prohibited by this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code § 53G-8-205 and School policy, removal from participation in School activities, and/or discipline in accordance with regulations of the U.S. Department of Education Office for Civil Rights (OCR). In determining the appropriate disciplinary or other responsive action for such a student, the School shall consider all relevant circumstances, including the involved students' respective ages and development and maturity levels, the nature and impact of the prohibited conduct, the

surrounding circumstances, any prior incidents or patterns of behavior, the relationship between the parties involved, and the extent to which the prohibited conduct disrupted or interfered with the orderly operation of the School. Discipline may only be imposed on a student after appropriate due process has been provided.

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

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

#### Grievance Process for School Employees

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

#### Grievance Process for Parents and Guardians

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

#### Additional Provisions

The Lead Director and Campus Directors will ensure compliance with OCR regulations when civil rights violations are reported, as follows:

- (1) Once the School knows or reasonably should know of possible student-on-student bullying, cyber-bullying, or hazing, the School must take immediate and appropriate action to investigate.
- (2) If it is determined that the bullying, cyber-bullying, or hazing of a student did occur as a result of the student's membership in a protected class, the School shall take prompt and effective steps reasonably calculated to:
  - (a) end the bullying, cyber-bullying, or hazing
  - (b) eliminate any hostile environment, and
  - (c) prevent its recurrence.
- (3) These duties are the School's responsibilities even if the misconduct is also covered by a separate anti-bullying policy and regardless of whether the student

makes a complaint, asks the School to take action, or identifies the bullying, cyber-bullying, or hazing as a form of discrimination.

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

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

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

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

#### Student Assessment

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

#### Training

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

- (1) bullying, cyber-bullying, hazing, abusive conduct, and retaliation;
- (2) discrimination under the following federal laws:
  - (a) Title VI of the Civil Rights Act of 1964;
  - (b) Title IX of the Education Amendments of 1972;
  - (c) Section 504 of the Rehabilitation Act of 1973; and
  - (d) Title II of the Americans with Disabilities Act of 1990;
- (3) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;

- (4) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon race, color, national origin, sex, disability, or religion;
- (5) the right of free speech and how it differs for students, employees, and parents or guardians; and
- (6) safe digital citizenship.

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

The training shall be offered to:

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

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

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

#### Liaison to Utah State Board of Education

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

#### Distribution of Policy and Signed Acknowledgement

The Lead Director will ensure that each informs students, parents or guardians, School employees, and volunteers that hazing, bullying, cyber-bullying, abusive conduct, and retaliation are prohibited by distributing a copy of this policy to such individuals annually.

A copy of this policy will also be posted on the School's website and included in any student conduct or employee handbooks issued by the School.

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

#### Annual Reporting

In accordance with Utah Code 53G-9-606 and R277-613, the School shall annually report the following information to the Utah State Board of Education on or before June 30:

- (1) a copy of this policy;
- (2) the School's implementation of the signed statement requirement described in Utah Code § 53G-9-605;
- (3) verification of the School's training of its employees relating to bullying, cyber-bullying, hazing, retaliation, and abusive conduct described in Utah Code § 53G-9-607;
- (4) incidents of student bullying, cyber-bullying, hazing, and retaliation; and
- (5) the number and type of incidents described in subsection (4) immediately above that include a student who was alleged bullied, cyber-bullied, hazed, or retaliated against based on the student's actual or perceived characteristics, including disability, race, national origin, religion, sex, gender identity, or sexual orientation, including the federal reporting requirements for civil rights violations.

## Enrollment and Lottery Policy

Adopted: December 11, 2013

Revised: \_\_\_\_\_

### Purpose

Ascent Academies of Utah (the "School") believes that it is important to conduct its lottery and the enrollment of students in a fair, consistent, and legal manner. This policy is intended to establish the guidelines for how these processes will be handled.

### Policy

The School will follow applicable laws and Utah State Board of Education rules in connection with its lottery and the enrollment of students.

Deleted: , including Utah Code § 53A-1a-506.5 and R277-472-5 regarding notifying prospective students and parents and enrolling students

### Applications

Students will apply for admission to the School electronically. Applications for and enrollment in each campus will be handled separately.

The applications of students that are not accepted will be purged prior to each new open enrollment period rather than carried over to the following year, so new applications must be submitted each year for students seeking admission to the School.

In order to determine how many spots will be available the following year, students who are enrolled in the School may be asked, prior to each open enrollment period, to indicate whether they intend to attend the School the following year. Currently enrolled students are not required to submit an application each year.

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### Lottery

In the event that more students apply during an enrollment period than there are available spots in any given grade at a given campus, as determined by the Lead Director and Campus Director, students will be selected by a computer-generated random-draw lottery in accordance with state guidelines.

### Open Enrollment

The School will begin accepting applications in approximately December of the prior year. The first lottery will be held in approximately January of each year. Additional lotteries will be held as needed until the desired enrollment numbers are reached.

Deleted: For the 2014-15 school year, the School will begin accepting applications in December 2013. The School's first lottery for the 2014-15 school year will be conducted during the first week of January 2014, and the School will perform additional lotteries as needed until the desired enrollment numbers are reached. ¶

The open enrollment period will remain open and the School will continue to accept applications until all available spots have been filled. The School may, at the Lead

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Following the first year, t...

Director and Campus Director's discretion, continue to enroll students from the lottery throughout the school year to fill spots that open when students withdraw

The School will publicize on its website the dates of enrollment periods so that all interested parents will have an opportunity to submit an application for their student(s).

#### Preferential Enrollment

The School will offer preferential enrollment to certain categories of students as permitted under applicable law.

Preferential enrollment will first be given first to the children of any "founding members" that have provided no less than 90 recorded volunteer hours in the development of the School. Founder status will not be conferred based on donations made to the School.

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Preferential enrollment will next be given next to siblings of students that are already enrolled in the School.

Preferential enrollment will be given next to students matriculating from one campus of the School to another.

Preferential enrollment will be given next to children of full-time employees (regularly working 30 hours or more per week) of the School.

Students enrolled under the first and fourth preferential categories will not exceed 5% of the School's total enrollment in any year; therefore, founders may only be allowed to enroll one student using the founder preference.

No students will be given priority notice or guaranteed admission to the School. The School will not make enrollment decisions or give preference to any student on any basis prohibited by applicable state or federal law, including Utah Code § 53G-6-403(3)(a), federal civil rights laws, and the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA").

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#### Past Disciplinary and Misconduct Issues

Any student seeking enrollment in the School who was previously suspended or expelled from another school for serious misconduct may not be admitted to the School until a thorough review of the student's prior conduct is evaluated by the School's administration and the School's administration approves the student to be admitted. In addition, the School may not enroll a student from another school unless the student record from the previous school, including the discipline file (if applicable), is received or the School's administration reviews the data gateway for any safe-school violation, reintegration, or threat assessment.

In accordance with Utah Code § 53G-8-205(3), the School may deny admission to students who were expelled from the School or any other school during the preceding twelve (12) months.

Consistent with Utah Administrative Code Rule R277-472-7, the School may deny admission to students who have disciplinary procedures pending at their previous school until previous allegations have been resolved. The School generally recognizes and honors disciplinary actions imposed on a student by another school. Accordingly, the School may deny admission to a student who is currently under suspension or expulsion from another school.

In accordance with Utah Code § 53G-6-403(3)(b), the School may deny admission to students who (i) have committed serious infractions of the law or school policies, including policies of the School; (ii) have been guilty of chronic misbehavior which would, if it were to continue after the student was admitted to the School, endanger persons or property, cause serious disruptions in the School, or place unreasonable burdens on School staff; or (iii) have any school safety incidents or safe-school violations.

Parents of students seeking admission to the School must disclose in their application information about their student's past serious disciplinary actions and criminal convictions. If this information is not disclosed, if materially false or misleading information is provided in the application, or if information that would have been relevant to the School's enrollment decision is omitted, and the School discovers the omission or misrepresentation after the student has been enrolled in the School, the School may place the student's enrollment under review while the School investigates the matter. Following the investigation, the School may take appropriate action in accordance with this and other School policy, which may include but is not limited to continued enrollment, continued enrollment subject to conditions, or rescission of the student's enrollment if the School determines that the undisclosed information would have provided a lawful basis to deny admission at the time of the application. Parents of students whose enrollment has been rescinded consistent with this paragraph may appeal the decision in accordance with the School's Parent Grievance Policy.

During the investigation process mentioned above, the School may restrict a student's attendance at the School if deemed necessary by the School to protect student safety or facilitate the review.

Situations involving students receiving special education and related services under the IDEA shall be handled in a manner consistent with applicable laws and School policy.

# **Fee Waiver Policy**

**Adopted: December 11, 2013**

**Revised: 03.02.2026**

## **Purpose**

Ascent Academies of Utah (the “School”) must abide by the Utah State Board of Education rules which direct the School’s Board of Directors (the “Board”) to implement a policy regarding student fees in the event the School elects to charge such fees. The purpose of this policy is to provide educational opportunities for all students. This allows the School to establish a reasonable system of fees, while prohibiting practices that would exclude those unable to pay from participation in School-sponsored activities.

## **Policy**

Under the direction of the Board, the School’s Lead Director is authorized to administer this policy and is directed to do so fairly, objectively, and without delay, and in a manner that avoids stigma and unreasonable burdens on students or parents/guardians.

## **Definitions**

“Common education expense”

- (a) means an expense the School incurs that is related to the delivery of instruction for all courses, unrelated to a specific course, program, or activity; and
- (b) includes the employment of educators and staff, the provision of capital facilities, and operation and maintenance costs.

“Course” or “class”

- (a) means an activity, a course, or a program that the School:
  - (i) intends to deliver instruction;
  - (ii) provides, sponsors, or supports; and
  - (iii) conducts primarily during school hours.
- (b) includes a course in which a student is required to enroll as a condition of participation in a separate extracurricular activity.

“Discretionary project” means a project that a student completes in lieu of or in addition to a required classroom project in accordance with Section 53G-7-503.

“Extracurricular activity”

- (a) means an activity or a program that:
  - (i) is not a course; and
  - (ii) the School provides, sponsors, or supports.

(b) does not include a noncurricular club as defined in Section 53G-7-701.

"Fee" means a charge, expense, deposit, rental, or payment:

- (a) regardless of how the School terms, describes, requests, or requires the charge, expense, deposit, rental, or payment, directly or indirectly;
- (b) in the form of money, goods, or services; and
- (c) that is a condition to a student's full participation in or admission to an activity, course, or program that the School provides, sponsors, or supports.

"Fee" includes:

- (a) payments to a third party that provides a part of a School activity, class, or program; and
- (b) a fine other than a fine described below.

"Fee" does not include:

- (a) a student fine that the School approves for:
  - (i) failing to return School property;
  - (ii) losing, wasting, or damaging private or School property through intentional, careless, or irresponsible behavior, including defacing or damaging School property as described in Utah Code 53G-8-212; or
  - (iii) improper use of School property, including a parking violation;
- (b) a payment for School breakfast or lunch;
- (c) a deposit that:
  - (i) is a pledge securing the return of School property; and
  - (ii) the School refunds upon the return of School property;
- (d) a charge for insurance, unless the insurance is required for a student to participate in an activity, course, or program; or
- (e) money or another item of monetary value that a student or the student's family raises through fundraising.

"Fee course" means a course that is not a non-fee course.

"Instructional equipment"

- (a) means an activity-, course-, or program-related tool that:
  - (i) a student is required to use as part of an activity, course, or program in a secondary school; and
  - (ii) becomes the property of the student upon exiting the activity, course, or program.
- (b) does not include School equipment, an instructional supply, or a personal student supply for a secondary student.

"Instructional supply"

- (a) means a non-reusable or a consumable material or supply that is necessary to use, expend, or deplete as a component or element of an activity, course, or program in a secondary school.

(b) does not include a personal student supply for a secondary student.

"Non-fee course" means a course that results in course credit or a course grade within the core standards the USBE establishes under Section 53E-4-202 and other statutory requirements for:

- (a) English language arts;
- (b) health education;
- (c) mathematics;
- (d) science; and
- (e) social studies

"Non-waivable charge" means a cost, payment, or expenditure that:

- (a) is a personal discretionary charge or purchase, including:
  - (i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;
  - (ii) a charge for college credit:
    - (A) from an institution of higher education; or
    - (B) for post-secondary related courses; or
  - (iii) except when requested or required by the School, a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item;
- (b) is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary Schools; or
- (c) by Utah Code, federal law, or State Board of Education rule is designated not to be a fee, including:
  - (i) a school uniform as provided in Utah Code § 53G-7-801;
  - (ii) a school lunch; or
  - (iii) a charge for a replacement for damaged or lost School equipment or supplies.

"Personal student supply"

- (a) means, for a secondary student, an object, tool, material, or supply that:
  - (i) is the personal property of the student;
  - (ii) regardless of the use of the supply in the instructional process, individuals not enrolled in the course or activity also commonly purchase and use; and
  - (iii) has a high probability of regular use in activities other than School-sponsored activities.
- (b) includes pencils, papers, notebooks, crayons, scissors, and basic clothing.

"Provided, sponsored, or supported by the School"

- (a) means an activity, class, program, club, camp, clinic, or other event that:
  - (i) is authorized by the School; or
  - (ii) satisfies at least one of the following conditions:

- (A) the activity, class, program, club, camp, clinic, or other event is managed or supervised by the School, or a School employee in the employees School employment capacity;
  - (B) the activity, class, program, club, camp, clinic, or other event uses, more than inconsequentially, the School's facilities, equipment, or other School resources; or
  - (C) the activity, class, program, club, camp, clinic, or other event is supported or subsidized, more than inconsequentially, by public funds, including the School's activity funds or minimum school program dollars.
- (b) does not include an activity, class, or program that meets the criteria of a noncurricular club as described in Title 53G, Chapter 7, Part 7, Student Clubs.

“Provision in lieu of fee”

- (a) means an alternative to fee payment; and
- (b) may include a plan under which fees are paid in installments or under some other delayed payment arrangement or a service in lieu of fee payment agreement.

“Requested or required by the School as a condition to a student's participation” means something of monetary value that is impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:

- (a) fully participate in school or in a School activity, class, or program;
- (b) successfully complete a School class for the highest grade; or
- (c) avoid a direct or indirect limitation on full participation in a School activity, class, or program, including limitations created by:
  - (i) peer pressure, shaming, stigmatizing, bullying, or the like; or
  - (ii) withholding or curtailing any privilege that is otherwise provided to any other student.

“School activity clothing” means special shoes or items of clothing that:

- (a) meet specific requirements, including requesting a specific brand, fabric, or imprint;
- (b) the School requires a student to provide and to wear for an activity-, course-, or program-related activity; and
- (c) that the student rents while participating in the activity, or become the property of the student upon exiting the activity, course, or program.

“School activity clothing” does not include:

- (a) a school uniform; or
- (b) clothing that is commonly found in students’ homes.

“School equipment” means a machine, equipment, facility, or tool that:

- (a) is durable;

- (b) is reusable;
- (c) a secondary school owns; and
- (d) a student uses as part of an activity, course, or program in a secondary school.

"Something of monetary value"

- (a) means a charge, expense, deposit, rental, fine, or payment, regardless of how the payment is termed, described, requested or required directly or indirectly, in the form of money, goods or services; and
- (b) includes:
  - (i) charges or expenditures for a School field trip or activity trip, including related transportation, food, lodging, and admission charges;
  - (ii) payments made to a third party that provide a part of a School activity, class, or program;
  - (iii) classroom textbooks, supplies or materials;
  - (iv) charges or expenditures for school activity clothing; and
  - (v) a fine, except for a student fine specifically approved the School for:
    - (A) failing to return School property;
    - (B) losing, wasting, or damaging private or School property through intentional, careless, or irresponsible behavior; or
    - (C) improper use of School property, including a parking violation.
- (c) does not include a payment or charge for damages, which may reasonably be attributed to normal wear and tear.

"Textbook"

- (a) means instructional material necessary for participation in an activity, course, or program, regardless of the format of the material;
- (b) includes:
  - (i) a hardcopy book or printed pages of instructional material, including a consumable workbook; or
  - (ii) computer hardware, software, or digital content; and
- (c) does not include School equipment, instructional equipment, or instructional supplies.

"Waiver" means a full release from:

- (a) a requirement to pay a fee; and
- (b) any provision in lieu of fee payment.

### **General School Fees Provisions**

The School may only charge a fee for an activity, class, or program provided, sponsored, or supported by the School that is noticed and authorized by School policies and state law.

If the School imposes a fee:

- (a) the fee shall be directly related to the expense incurred by the School in providing for a student the activity, course, or program for which the School imposes a fee;
- (b) the fee shall be equal to or less than the expense described immediately above; and
- (c) the School may not impose an additional fee or increase a fee to supplant or subsidize another fee that the School is prohibited from charging, including the normal expense of delivering instruction in a course.

The School may not sell textbooks or otherwise charge a fee for textbooks, except for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course.

All fees are subject to the fee waiver requirements of this policy.

The School shall not charge a fee that is general in nature and for a service or good that does not have a direct benefit to the student paying the fee. In addition, the School may not charge a fee for a common education expense.

Beginning for the 2026-2027 school year, the School shall, with respect to awarding secondary students credit toward graduation, ensure that it has at least one option for each graduation requirement that:

- (a) fulfills the graduation requirement; and
- (b) does not require the payment or waiver of any fee.

However, the restriction above does not apply to the School if the School only offers one of the following for a given graduation requirement:

- (a) an Advanced Placement course;
- (b) an International Baccalaureate course; or
- (c) a concurrent enrollment course, as described in Section 53E-10-302.

## **Fees for Classes & Activities During the Regular School Day**

### **Fees for Students in Kindergarten through Sixth Grade**

The School may not charge a fee in kindergarten through sixth grade for materials, textbooks, supplies, or for any class or regular school day activity (except for discretionary projects), including assemblies and field trips.

Elementary students cannot be required to provide their own student supplies. However, the School or teacher may provide to a student's parent a suggested list of student supplies for use during the regular school day so that a parent or guardian may furnish, only on a voluntary basis, those supplies for student use. The list provided to a student's parent or guardian must include the following language before identifying the supplies:

"NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

The School may charge a fee to a student in grade six if all of the following are true:

- (a) the School has students in any of the grades seven through twelve;
- (b) the School follows a secondary model of delivering instruction to the School's grade six students; and
- (c) The School annually provides notice to parents that the School will collect fees from grade six students and that the fees are subject to waiver.

#### Fees for Students in Seventh through Ninth Grade

Fees may be charged in grades 7-9 in connection with an activity, class, or program provided, sponsored, or supported by the School that takes place during the regular school day if the fee is noticed and approved as provided in R277-407 and is allowed to be charged by state law. All such fees are subject to waiver. In addition, if an established or approved class requires payment of fees or purchase of items in order for students to fully participate and to have the opportunity to acquire skills and knowledge required for full credit and highest grades, the fees or costs for the class are subject to waiver.

In project related courses, projects required for course completion will be included in the course fee.

Secondary students may be required to provide their own student supplies, subject to the fee waiver requirements of this policy.

The School may charge students in grades 7-9 a fee for:

- (a) relating to a non-fee course or a fee course, for:
  - (i) instructional equipment;
  - (ii) a School field trip or activity trip or performance, including related transportation, food, lodging, and admission charges or participation fees;
  - (iii) School activity clothing;
  - (iv) a discretionary project as described herein; or
  - (v) a competency remediation program in accordance with Section 53G-9-803;
- (b) an expense related to a course, activity, or program that is a fee course, including:
  - (i) instructional supplies;
  - (ii) the life-cycle replacement costs for School equipment directed related to the fee course;
  - (iii) a music instrument rental;
  - (iv) licensing fees for fine arts intellectual property; or

- (v) participating in a driver education course described in Section 53G-10-503;
- (c) an expense related to the following post-secondary-related courses, including tuition, college credit, an exam, or a textbook:
  - (i) an Advanced Placement course;
  - (ii) an International Baccalaureate course; or
  - (iii) a concurrent enrollment course, as described in Section 53E-10-302.

If the School charges fees for a fee course or a non-fee course, such fees are limited to those described above.

### **Fees for Optional Projects**

The School may require students at any grade level to provide materials or pay for an additional discretionary project if the student chooses a project in lieu of, or in addition to a required classroom project. A student may not be required to select an additional project as a condition to enrolling, completing, or receiving the highest possible grade for a course. The School will avoid allowing high cost additional projects, particularly when authorizing an additional discretionary project results in pressure on a student by teachers or peers to also complete a similar high cost project.

### **Fees for Activities Outside of the Regular School Day**

Fees may be charged in all grades for any School-sponsored activity that does not take place during the regular school day if the fee is approved as provided in this policy and is allowed by state law and if participation in the activity is voluntary and does not affect the student's grade or ability to participate fully in any course taught during the regular school day. Fee waivers are available for such fees.

Activities that use the School facilities outside the regular school day but are not provided, sponsored, or supported by the School (e.g., programs sponsored by the parent organization and/or an outside organization) may charge for participation, and fee waivers are not available for these charges.

An activity, class, or program that is provided, sponsored, or supported by the School outside of the regular School day or School year calendar is subject to this policy and state law regardless of the time or season of the activity, class, or program.

### **Fees for Extracurricular Activities**

The School may charge students in grades 7-9 fees for an extracurricular activity. The School may also charge students in grades K-6 fees for an extracurricular activity if it takes place outside of the regular school day and meets the other requirements described above. A fee for an extracurricular activity for students in grades 7-9 may

include the life-cycle replacement costs for School equipment directly related to the extracurricular activity.

A fee related to an extracurricular activity may not exceed the maximum fee amounts for the extracurricular activity adopted by the Board, as provided below.

### **Other Miscellaneous Fees**

#### **Fees for Adult Education**

The School may charge students in grades 7-9 fees for an adult education course in accordance with Section 53E-10-202.

#### **Fees for Remediation Programs**

The School may charge students in grades 7-9 fees to participate in the School's remediation programs.

The School may not charge students in grades K-6 fees to participate in the School's remediation programs.

#### **Fees for Charter School Application Processing**

The School may charge students in grades 7-9 a fee for charter school application processing in accordance with Section 53G-6-503.

### **Fee Schedule**

The Board will approve a Fee Schedule at least once each year on or before June 1. The Fee Schedule will establish the maximum fee amount per student for each activity and the maximum total aggregate fee amount per student per school year. No fee may be charged or assessed related to an activity, class, or program provided, sponsored, or supported by the School, including for a course or extracurricular activity, unless the fee has been set and approved by the Board, is equal to or less than the established maximum fee amount for the activity, and is included in the approved Fee Schedule.

The School will encourage public participation in the development of the Fee Schedule and related policies.

Before approving the School's Fee Schedule, the School will provide an opportunity for the public to comment on the proposed Fee Schedule during a minimum of two public Board meetings. In addition to the standard notice of Board meetings under the Open and Public Meetings Act, the School will provide notice of these Board meetings using the same form of communication regularly used by the administration to communicate with parents.

After the Fee Schedule is adopted, the Board may amend the Fee Schedule using the same process.

### **Maximum Fee Amounts**

In connection with establishing the Fee Schedule, the Board will establish a per student annual maximum fee amount that the School may charge a student for the student's participation in all courses, programs, and activities provided, sponsored, or supported by the School for the year. This is a maximum total aggregate fee amount per student per School year.

The Board may establish a reasonable number of activities, courses, or programs that will be covered by the annual maximum fee amount.

### **Notice to Parents**

The Lead Director will annually provide written notice of the School's Fee Schedule and Fee Waiver Policy to the parent or guardian of each student in the School by ensuring that a written copy of the School's Fee Schedule and Fee Waiver Policy is included with all registration materials provided to potential or continuing students each year. The Fee Schedule shall clearly identify any fee for each activity, course, or program alongside the description of the activity, course, or program.

The School will also post the following on its website each school year:

- (a) The School's Fee Schedule, including maximum fee amounts, and Fee Waiver policy;
- (b) The School's fee waiver application;
- (c) The School's fee waiver decision and appeals form; and
- (d) The School's fee notice(s) for families.

### **Donations**

The School may not request or accept a donation in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise be fully funded by the School and receipt of the donation will not affect participation by an individual student.

A donation is a fee if a student or parent is required to make the donation as a condition to the student's participation in an activity, class, or program.

The School may solicit and accept a donation or contribution in accordance with the School's policies, including the Donation and Fundraising Policy, but all requests must clearly state that donations and contributions by a student or parent are voluntary.

If the School solicits donations, the School: (a) shall solicit and handle donations in accordance with policies and procedures established by the School; and (b) may not place any undue burden on a student or family in relation to a donation.

### **Fee Collection**

The School may pursue reasonable methods for obtaining payment for fees and for charges assessed in connection with a student losing or willfully damaging school property.

The School may not exclude students from school, an activity, a class, or a program that is provided, sponsored, or supported by the School during the regular school day; refuse to issue a course grade; or withhold official student records, including written or electronic grade reports, class schedules, diplomas, or transcripts, as a result of unpaid fees.

The School may withhold the official student records of a student responsible for lost or damaged School property consistent with Utah Code § 53G-8-212 until the student or the student's parent has paid for the damages, but may not withhold a student's records required for student enrollment or placement in a subsequent school.

A reasonable charge may be imposed by the School to cover the cost of duplicating, mailing, or transmitting transcripts and other school records. No charge may be imposed for duplicating, mailing, or transmitting copies of school records to an elementary or secondary school in which the student is enrolled or intends to enroll.

Consistent with Utah Code § 53G-6-604, the School will forward a certified copy of a transferring student's record to a new school within 30 days of the request, regardless of whether the student owes fees or fines to the School.

Students shall be given notice and an opportunity to pay fines prior to withholding issuance of official written grade reports, diplomas and transcripts. If the student and the student's parent or guardian are unable to pay for damages or if it is determined by the School in consultation with the student's parents that the student's interests would not be served if the parents were to pay for the damages, then the School may provide for a program of voluntary work for the student in lieu of the payment. A general breakage fee levied against all students in a class or school is not permitted.

### **Fee Refunds**

Student fees are non-refundable.

### **Budgeting and Spending Revenue Collected Through Fees**

The School will follow the general accounting standards described in Rule R277-113 for treatment of fee revenue.

The School will establish a spend plan for the revenue collected from each fee charged. The spend plan will (a) provide students, parents, and employees transparency by identifying a fee's funding uses; (b) identify the needs of the activity, course, or program for the fee being charged and include a list or description of the anticipated types of expenditures, for the current fiscal year or as carryover for use in a future fiscal year, funded by the fee charged.

The School will establish a procedure to identify and address potential inequities due to the impact of the number of students who receive fee waivers at each campus.

The School will distribute the impact of fee waivers across the School's campuses so that no campus carries a disproportionate share of the School's total fee waiver burden.

### **School Fee Collections & Accounting Procedures**

It is the responsibility of the Lead Director to ensure that all student fees collected are in compliance with the Fee Schedule and applicable financial policies and procedures.

Fees must be received and deposited in a timely manner.

Money may only be collected by staff authorized by the Lead Director or Campus Director. Students may not collect fees.

The School may not use revenue collected through fees to offset the cost of fee waivers by requiring students and families who do not qualify for fee waivers to pay an increased fee amount to cover the costs of students and families who qualify for fee waivers. However, the School may notify students and families that the students and families may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families.

### **Fee Waiver Provisions**

To ensure that no student is denied the opportunity to participate in a class or activity that is provided, sponsored, or supported by the School because of an inability to pay a fee, the School provides fee waivers or other provisions in lieu of a fee. Fee waivers or other provisions in lieu of a fee payment will be available to any student whose parent cannot pay a fee.

All fees are subject to waiver.

Non-waivable charges are not subject to waiver.

## **Fee Waiver Administration**

The Lead Director will administer this policy and either the Lead Director, Campus Director, or a designee will review and grant fee waiver requests. The process for obtaining waivers or pursuing alternatives will be administered in accordance with this policy, fairly, objectively, and without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents.

The School will not treat a student receiving a fee waiver or provision in lieu of a fee waiver differently from other students. The process for obtaining waivers or pursuing alternatives will create no visible indicators that could lead to identification of fee waiver applicants.

The process for obtaining waivers or pursuing alternatives will comply with the privacy requirements of The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA). The School may not identify a student on fee waiver to students, staff members, or other persons who do not need to know. As a general rule, teachers and coaches do not need to know which students receive fee waivers. Students may not assist in the fee waiver approval process.

## **Fee Waiver Eligibility**

A student is eligible for a fee waiver if the School receives verification that:

- (a) In accordance with Utah Code § 53G-7-504(4), family income falls within levels established annually by the State Superintendent and published on the Utah State Board of Education website;
- (b) The student to whom the fee applies receives Supplemental Security Income (SSI). If a student receives SSI, the School may require a benefit verification letter from the Social Security Administration;
- (c) The family receives TANF or SNAP funding. If a student's family receives TANF or SNAP, the School may require the student's family to provide the School an electronic copy or screenshot of the student's family's eligibility determination or eligibility status covering the period for which the fee waiver is sought from the Utah Department of Workforce Services;
- (d) The student is in foster care through the Division of Child and Family Services or is in state care. If a student is in state care or foster care, the School may rely on the youth in care required intake form or school enrollment letter provided by a caseworker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department; or
- (e) The student qualifies for McKinney-Vento Homeless Assistance Act assistance. If a student qualifies for McKinney-Vento, verification is obtained through the School's McKinney-Vento liaison.

The School will not maintain copies of any documentation provided to verify eligibility for a fee waiver.

The School will not subject a family to unreasonable demands for re-qualification.

The School may grant a fee waiver to a student, on a case-by-case basis, who does not qualify for a fee waiver under the foregoing provisions but who, because of extenuating circumstances, is not reasonably capable of paying the fee.

The School may charge a proportional share of a fee or a reduced fee if circumstances change for a student or family so that fee waiver eligibility no longer exists.

The School may retroactively waive fees if eligibility can be determined to exist before the date of the fee waiver application.

### **Fee Waiver Approval Process**

The School will inform patrons of the process for obtaining waivers and will provide a copy of the standard fee waiver application on the School's website.

The Lead Director, Campus Director, or a designee will review fee waiver applications within five (5) school days of receipt. If the School denies a request for a fee waiver, the School will provide the decision to deny a waiver in writing and will provide notice of the procedure for appeal in the form approved by the Utah State Board of Education.

Any requirement that a student pay a fee will be suspended during any period in which the student's eligibility for a waiver is being determined or during the time a denial of waiver is being appealed.

Each year the School will maintain documentation regarding the number of School students who were given fee waivers, the number of School students who worked in lieu of fee waivers, the number of School students who were denied fee waivers, the total dollar value of student fees waived by the School, and the total dollar amount of all fees charged to students at the School, as this information may be requested by the Utah State Board of Education as part of its monitoring of the School's school fees practices.

The School shall also submit school fee revenue information in the Utah Public Education Financial System as provided in R277-113.

### **Appeal Process**

Denial of eligibility for a waiver may be appealed in writing to the Campus Director or Lead Director within ten (10) school days of receiving notice of denial. The School shall contact the parent within two (2) weeks after receiving the appeal and schedule a meeting with the Campus Director or Lead Director to discuss the parent's concerns. If,

after meeting with the Campus Director or Lead Director, the waiver is still denied, the parent may appeal, in writing, within ten (10) school days of receiving notice of denial to the Board.

In order to protect privacy and confidentiality, the School will not retain information or documentation provided to verify eligibility for fee waivers.

### **Alternatives to Fees and Fee Waivers**

The School may allow a student to perform service or another approved task (as described in Utah Code § 53G-7-504(2)) in lieu of paying a fee or, in the case of an eligible student, in lieu receiving a fee waiver, but such alternatives may not be required. If the School allows an alternative to satisfy a fee requirement, the Campus Director or Lead Director will explore with the interested student and his or her parent/guardian the alternatives available for satisfying the fee requirement, and parents will be given the opportunity to review proposed alternatives to fees and fee waivers. However, if a student is eligible for a waiver, textbook fees must be waived, and no alternative in lieu of a fee waiver is permissible for such fees.

The School may allow a student to perform service in lieu of paying a fee or receiving a fee waiver if: (a) the School establishes a service policy or procedure that ensure that a service assignment is appropriate to the age, physical condition, and maturity of the student; (b) the School's service policy or procedure is consistent with state and federal laws, including Section 53G-7-504 regarding the waiver of fees and the federal Fair Labor Standards Act, 29 U.S.C. 201; (c) the service can be performed within a reasonable period of time; and (d) the service is at least equal to the minimum wage for each hour or service.

A student who performs service may not be treated differently than other students who pay a fee.

The service may not create an unreasonable burden for a student or parent and may not be of such a nature as to demean or stigmatize the student.

The School will transfer the student's service credit to another LEA upon request of the student.

The School may make an installment payment plan available for the payment of a fee. Such a payment plan may not be required in lieu of a fee waiver.

The School may provide optional individual fundraising opportunities for students to raise money to offset the cost of the student's fees as provided in R277-408.

### **Fee Waivers for School Trips**

Students may be granted a fee waiver for no more than two School-sponsored trips per school year. A student who has been granted a fee waiver for one School-sponsored trip may request a fee waiver for a second School-sponsored trip during the same school year. The fee waiver request for a second School-sponsored trip shall be accompanied by an action plan, developed in consultation with and approved by the Campus Director or Lead Director, that addresses how the student or family will contribute to the School or community through one or more of: (a) participation in approved fundraising; (b) approved custodial work or service in lieu of fees consistent with R277-407 and the Fair Labor Standards Act; (c) installment-payment arrangements for ancillary trip costs not covered by waiver; or (d) other contributions specified in the action plan.

The fee waiver request for a second School-sponsored trip shall be granted upon Campus Director or Lead Director approval of the action plan unless documentation establishes the student's participation would impose an undue financial burden on the School beyond fee-waiver expectations.

For purposes of this section, “trip” and “action plan” have the meanings assigned to those terms in Utah Code § 53G-7-504.

### **Annual Review, Approval, and Training**

The Board will review and approve this policy annually.

The School will develop a plan for at least annual training of School employees on fee-related policies specific to each employee’s job functions.

# Financial Reporting, Debt and Risk Management Plan

Adopted: December 6, 2021

## Purpose

Ascent Academies of Utah (the “School”) practices sound financial reporting in accordance with state and federal law and applicable accounting standards.

Additionally, the Board of Directors and administration of the School shall manage the financial affairs of the School based on the following principles: (1) comply with all applicable laws and bond covenants; (2) provide the best educational services to the students of the School consistent with the School’s charter; and (3) get the most effective and cost efficient services possible in all areas at the School.

## Financial

### **Financial Reporting**

The School will ensure that financial reporting for the School is performed in accordance with Generally Accepted Accounting Principles (GAAP) and that audits of the School’s financial reporting are performed in accordance with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Government Auditing Standards (GAGAS).

The School will provide financial reporting in a manner consistent with the basis of accounting as required by GAAP, as applicable to the School.

The School will provide reconciliation between the accrual basis of accounting and modified accrual basis of accounting, as applicable.

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The School will 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 Utah State Superintendent of Public Education.

### **General Financial Management**

The Board understands that the School is a steward over the financial resources and assets entrusted to it by the state of Utah. The Board recognizes the need to abide by all applicable laws and regulations, including the following acknowledgements: (i) fiscal procedures will be consistent with generally accepted financial management standards; and (ii) neither the chartering entity nor the state, including an agency of the state, is liable

for the debts or financial obligations of the School or persons or entities who operate the School, unless agreed to in writing with the School.

The School adheres to ~~GAAP~~ as constituted by the ~~Governmental~~ Accounting Standards Board. The School also complies with all applicable areas of the Utah Money Management Act. Cash collected at the School is handled properly, as set forth in the School's Cash Handling Policy.

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In accordance with state law, the School, prior to June 30th of the each fiscal year, prepares an annual operating budget for the next fiscal year. The budget is designed so that the School priorities, as established by the Board, are met. All budgets and budget amendments are approved by the Board through a vote in a public meeting in accordance with the Utah Open and Public Meetings Act.

Subject to appropriation limits with object codes and other restrictions, the School reserves the right to reallocate funds from one line item in the budget to another if purchasing practices or conservation result in an expenditure different from the budgeted amount. The Board may choose to add undistributed reserves from the School operational budget to the following year and/or may reallocate them to the current fiscal year's budget, at its discretion. The budget and cash flow projections utilized by the School provide sufficient detail to enable reasonably accurate projections of revenues and expenses, separation of capital and operational items, cash flow, and subsequent audit trail documentation.

In addition, the School understands and complies with all applicable fiscal rules and regulations, including completion and submission of an annual financial audit of the current fiscal year conducted by an independent certified public accounting firm by November 30th of the following fiscal year, submission of October and December student counts in accordance with state-mandated deadlines, Utah Money Management reports, wages and benefits negotiation reports, Utah Transparency Act reports and updates, October 1st AFR and APR submissions, and any other regular enrollment and financial reports as required by the State Board of Education now or in the future.

Purchases are authorized and carried out in accordance with the Purchasing and Disbursement Policy and the Procurement Policy adopted by the Board and the Utah Procurement Code.

The School tracks fixed assets in accordance with the Capitalization and Expense Policy and other applicable requirements.

All fiscal policies and procedures comply with the School's Conflict of Interest Policy.

The School assigns a representative, which may be a representative of the School's management company, to attend school finance and statistics training and all required

finance training. The School will continue to take the measures necessary so that its representatives attend future trainings as announced or provided to ensure accounting and management of the School resources are in compliance with any revisions to applicable rules and statutes.

### ***Minimum Reserve and Coverage Levels***

The School will maintain minimum reserve and coverage levels that the Board determines are consistent with long-term financial health. The Board Financial Coordinator, administration, management company and accounting staff will regularly monitor the status of reserve and coverage ratios and report that information to the Board.

The School will ensure that it satisfies minimum reserve and coverage levels as required by law or applicable bond covenants.

The School will take reserve and coverage levels into consideration when making budgeting, financial planning, and other financial decisions, including decisions regarding major purchases.

### ***Financial Forecasting and Budgeting***

Throughout the fiscal year, the Board Financial Coordinator, administration, management company and accounting staff will meet regularly to discuss the budget, the School financial status, and any changes. The Board will be fully engaged in the budgetary process and informed of such issues on a regular basis.

The Board Financial Coordinator, administrator, management company and accounting staff will meet to prepare a tentative budget. The School's budgeting philosophy will be to conservatively project both revenues and expenses while achieving the level of accuracy required by state standards. The tentative budget will be circulated to the Board for further review and discussion. The tentative budget will be scheduled for discussion on a board meeting agenda, further discussed, and adopted at the annual board meeting.

As the October 1 count is finalized, and as the School receives new revenues, the Board will be updated on new figures. In order to account for these changes, the Board will approve revisions and amendments to the budget over the course of the fiscal year, as needed and appropriate.

### **Debt**

The School will seek to avoid debt to the extent possible. The School's plan is to only assume debt as absolutely necessary or when the benefits of a purchase will, in the judgment of the Board, benefit the School's students for the life of such debt. The Board recognizes that the ability to take on debt will be governed by the covenants of existing indebtedness and pending indebtedness. The School's accounting staff, administration and Board Financial Coordinator will be informed of the requirements affecting the School ability to incur debt. Any debt assumed by the School will therefore comply with applicable laws and any existing bond covenants.

As economical or in its best interests, the School will seek refunding opportunities to either lower its debt profile, meet bond covenants or other advantageous benefits realized through a restructure of its debt.

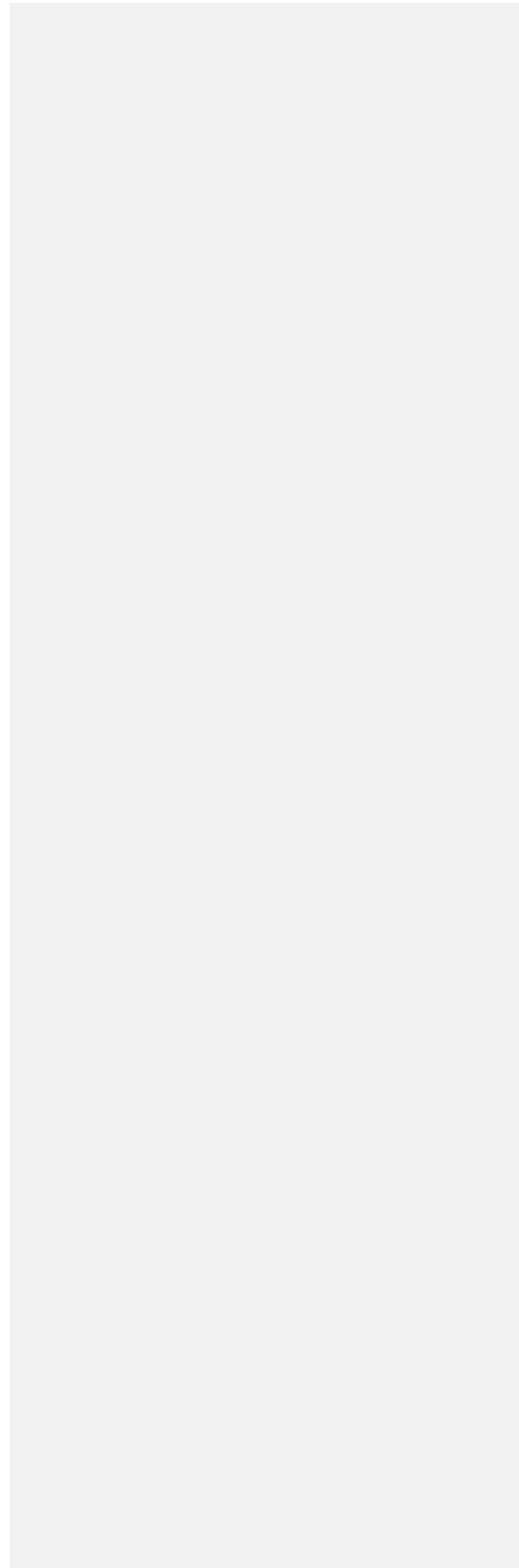
Academy will ensure that it satisfies the debt service coverage levels as required by law or applicable bond covenants. The general goal of the Academy is to maintain 1.10x debt service coverage.

### **Risk Management**

As a nonprofit corporation and public school, the School shall actively seek to avoid unnecessary risks to the greatest extent possible. The School shall always maintain insurance at the highest amount that is either (a) required by law, (b) required by existing bond covenants, (c) is reasonable and customary for a Utah charter school, or (d) is considered prudent by the Board after consulting with qualified professionals. In the event any material risk is identified by the School's Board or administration that is not covered by existing insurance, a qualified professional shall promptly be engaged to evaluate such risk and recommend the appropriate action.

The Board will work with qualified professionals to recognize and avoid risks associated with its governance of the School. In particular, the Board will be cognizant of financial risks that are addressed by the provisions above, compliance with applicable laws, including but not limited to the Utah Open and Public Meetings Act and the Government Records Access and Management Act. The Board will periodically review the policies that it has adopted to ensure that it has all necessary policies in place and that the policies that have been adopted comply with current law, adequately address issues at which they are aimed, and cover all areas requiring board guidance. The Board may periodically request that the administration provide assurance that Board policies are being complied with. In the event the Board learns that policies are not being complied with, it will request the administration to create a plan to remedy any deficiencies and establish procedures to ensure that the policies are complied with in the future.

The administration is also directed to work with qualified professionals, including the School's management company and loss control representatives of the School insurer, to recognize, manage and avoid risks associated with the operation of the School. In particular, the administration will be cognizant of risks associated with human resources activities, student safety and security, facility matters, and state and federal legal compliance, including civil rights issues. The administration will establish procedures in order to address key issues pertaining to the School operations and will ensure that all the School employees and, to the extent necessary, students and parents, are aware of such procedures. The administration will periodically review and revise administrative procedures in order to ensure that they adequately address the pertinent issues and are consistent with the School situation and needs.



# Financial Reporting Policy

Adopted: October 27, 2017

Revised: \_\_\_\_\_

## Purpose

The purpose of this policy is to ensure that Ascent Academies of Utah (the “School”) practices sound financial reporting in accordance with state and federal law and applicable accounting standards.

## Policy

The School will ensure that financial reporting for the School is performed in accordance with [Generally Accepted Accounting Principles \(GAAP\)](#) and that audits of the School’s financial reporting are performed in accordance with [Generally Accepted Auditing Standards \(GAAS\)](#) and [Generally Accepted Government Auditing Standards \(GAGAS\)](#).

The School will provide financial reporting in a manner consistent with the basis of accounting as required by GAAP, as applicable to the School.

The School will provide reconciliation between the accrual basis of accounting and modified accrual basis of accounting, as applicable.

The School will 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 Utah State Superintendent of Public Education.

## **Student Conduct and Discipline Policy**

Adopted: June 9, 2017

Revised: March 25, 2019

Reviewed: June 25, 2020

Revised: July 27, 2020

Reviewed: June 23, 2021

Reviewed: June 28, 2022

Revised: October 24, 2023

Revised: August 26, 2024

Revised: 03.02.2026

### **1. PURPOSE, BELIEFS, AND PHILOSOPHY**

#### **1.1 Purpose**

*The purpose of Ascent Academies of Utah's (the "School") Student Conduct and Discipline Policy is to help all students develop positive relationships with other students and adults, take responsibility for their actions and learning, and develop the self-discipline necessary to create an environment that is characterized by physical and emotional safety in order to enhance learning for everyone.*

The School will foster a School and community-wide expectation of good citizenship for students and a sense of responsibility in the School community for rules and standards of behavior.

The School will promote and require:

- student responsibility for learning and behavior in all grades;
- student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the School community;
- parents of all students to assume proper responsibility for their students' behavior and to cooperate with School authorities in encouraging student self-discipline and discouraging behavior that is disruptive to the School's educational program.

#### **1.2 Beliefs and Expectations**

The School's beliefs and expectations set a positive and inviting culture for dealing with student behavior issues.

##### **Beliefs:**

- Punishment alone will not change behavior
- Much aggressive behavior is a relationship problem, not a behavior problem
- Adults must model the behaviors they expect from the students
- We expect conflicts, but we expect conflicts to be resolved and relationships mended

**Expectations:**

- Students will show respect for other students
- Students will show respect for adults
- Students will show respect for the building
- Adults will show respect for students
- Students will develop self-discipline

**1.3 Procedural Philosophy**

The School recognizes that establishing a procedural philosophy consistent with the desired positive school environment is as important as following legal and due process procedures. The School's policy sets forth appropriate legal and due process procedures and will be followed within the context of the procedural philosophy outlined below:

**Procedures:****When students are involved in conflicts with other students, they will, when appropriate:**

- Work together to resolve the conflict
- Work to repair the relationship and build trust
- Be subject to additional consequences if they exhibit unsafe behaviors during the conflict

**When students are involved in a conflict with or feel they have been treated unfairly by a member of the staff or a volunteer, they will:**

- Report their feelings to their parent or to the administrator or counselor, who will work together to set up a conference with the student, the parent, an administrator or counselor, and/or the adult involved in order to resolve the conflict and mend the relationship

**When students flagrantly disregard the safety of others, show blatant disrespect to others, or consistently behave in a disrespectful or unsafe way:**

- The student will be subjected to consequences and positive behavior support to ensure that the student will make better choices in the future. Consequences might include:
  - In-School Suspension
  - Out-of-School Suspension
  - Expulsion
  - Restitution
  - Repayment for damages
- The student will work to earn back the trust of the school community by actions such as:
  - Genuine apology to injured or affected parties
  - Demonstration of appropriate behaviors following the incident
  - Repair or replace any damaged items

**Due process to protect the rights of students will include:**

- All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the process. If parents feel their student has not been treated fairly, they may address those concerns in accordance with this policy or the School's Parent Grievance Policy, as applicable.
- Parents will be notified when students are involved in situations that are deemed to be serious.
- Parents and students will be notified of the expectations, possible consequences, and the procedures involved in this policy at the beginning of each school year.

## **2. ENVIRONMENT**

### **2.1 Safe School Environment**

It is the School's policy to promote a safe and orderly school environment for all students and employees. Accordingly, the School holds all students, employees, and other adults to the highest standards of behavior in the classroom, on School grounds, in School vehicles, and during School-sponsored activities. Criminal acts or disruptive behavior of any kind will not be tolerated, and any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both.

### **2.2 Discrimination Prohibited**

It is the School's policy to provide equal educational and employment opportunity for all individuals. Therefore, the School prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran status. Complaints of discrimination or unfair application of this policy should be submitted pursuant to the School's applicable Grievance Policy.

## **3. DEFINITIONS**

### **3.1 Suspension**

For purposes of this policy, suspension means: (a) an in-school suspension that is a temporary removal of a student from the student's regular classroom for disciplinary reasons for at least half a school day but remains under the direct supervision of School personnel; or (b) an out-of-school suspension that is the removal of a student from School grounds for disciplinary reasons unless the student removed is: (i) served solely under a Section 504 plan, where an out-of-school suspension is the excluding of the student from school for disciplinary purposes for one day or longer; or (ii) a student with disabilities under the Individuals with Disabilities Education Act, where an out-of-school suspension is the temporary removal of the student from the student's regular school for disciplinary reasons to another setting.

A student who is suspended for ten (10) or fewer days may, at the Campus Director's

discretion, have access to homework, tests, and other schoolwork through a home study program but will not be allowed to attend classes or participate in any School activities during the period of suspension.

A student who is suspended for more than ten (10) school days shall be provided, or at least offered, alternative education services by the School, but such students will not be allowed to attend classes or participate in any School activities during the period of suspension.

### **3.2 Expulsion**

For purposes of this policy, expulsion means a disciplinary removal from the School for more than ten (10) school days without an offer of alternative education services. An expulsion may be for a fixed or indefinite period of time. If a student is expelled from the School, that student's status as an enrolled student of the School is terminated. Expelled students are excluded from all School programs or activities for the period of expulsion.

### **3.3 Change of Placement for Students with Disabilities under IDEA and Section 504**

For purpose of the removal of a student with a disability from the student's current educational placement, a "change of placement" occurs if (a) the removal is for more than ten (10) consecutive school days or (b) the student is subjected to a series of removals that constitute a pattern because they total more than ten (10) school days in a school year or because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "change of placement" requires compliance with the procedures outlined in Section 10 of this policy.

### **3.4 Disruptive Student Behavior**

For purposes of this policy, "disruptive student behavior" means the behavior identified as grounds for suspension or expulsion described in Section 4.1, below.

### **3.5 Parent**

For purposes of this policy, "parent" means (i) a custodial parent of a school-age child; (ii) a legally appointed guardian of a school-age child; or (iii) any other person purporting to exercise any authority over the child which could be exercised by a person described above.

### **3.6 Qualifying Minor**

For purposes of this policy, "qualifying minor" means a school-age child who: (i) is at least nine years old; or (ii) turns nine years old at any time during the school year.

### **3.7 School Year**

For purposes of this policy, "school year" means the period of time designated as the school year by the Board of Directors (the "Board") in the calendar adopted each year.

### **3.8 School-age Child**

For purposes of this policy, "school-age child" means a minor who: (i) is at least six years old but younger than 18 years old; and (ii) is not emancipated.

## **4. GROUNDS FOR SUSPENSION, EXPULSION, OR CHANGE OF PLACEMENT**

### **4.1 Suspension**

**4.1.1** A student may be suspended from School for the following reasons:

[a] frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting; gang activity; noncompliance with School dress code; harassment, including sexual, racial, or religious harassment; the use of foul, profane, vulgar or abusive language; or other unreasonable and substantial disruption of a class, activity, or other function of the School;

[b] willful damage to or defacement of School property;

[c] behavior or threatened behavior that poses an immediate and significant threat to the welfare, safety, or morals of other students or School personnel or to the operation of the School;

[d] possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah Code Ann. § 32B-1-102;

[e] possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, electronic cigarettes, or tobacco, as defined by Utah Code Ann. § 76-10-101;

[f] possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to real, look-alike or pretend weapons, fireworks, matches, lighters, alcohol, tobacco, mace, pepper spray, laser pointers, pornography, illegal drugs and controlled substances, drug paraphernalia, or any other material or item that has caused or will imminently cause substantial disruption to school operations;

[g] inappropriate use or possession of electronic devices in class or in any other way that substantially disrupts the educational environment;

[h] any criminal activity;

[i] any serious violation involving weapons, drugs, or the use of force, including those actions prohibited in Section 4.1.2 below, that threatens harm or causes harm to the School or School property, to a person associated with the School, or property associated with any such person, regardless of where it occurs; or

[j] bullying or hazing as defined in Utah Code Ann. § 53G-9-601 and/or the School's Bullying and Hazing Policy.

**4.1.2** A student shall be suspended or expelled from School for the following reasons:

[a] a serious violation affecting another student or a staff member, or a serious violation occurring in a School building, in or on School property, or in conjunction with a School-sponsored activity, including:

(i) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(ii) the actual use of violence or sexual misconduct, including but not limited to such violence or sexual misconduct related to hazing;

(iii) the actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or

(iv) the sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled substance defined in Utah Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3;

[b] the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor; or

[c] making a false report of an emergency at the School or another school under Utah Code Ann. § 76-9-202(2)(d).

## **4.2 Expulsion**

A student may be expelled from School for any violation listed under Section 4.1 of this policy if the violation is serious or persistent.

## **4.3 Weapons – Mandatory Expulsion for One Year – Utah Code Ann. § 53G-8-205(2)(b); 20 U.S.C. § 7151**

**4.3.1** Any student who commits an act for which mandatory suspension or expulsion is provided under Section 4.1.2, above, involving a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from School and all School programs and activities for a period of not less than one (1) year, subject to the following:

[a] Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (“CMT”), which shall be comprised of the Campus Director, a counselor, and a teacher selected by them, accompanied by a parent; and

[b] The CMT shall determine:

(i) what conditions must be met by the student and the student's parent for the student to return to School;

(ii) if the student should be placed on probation in a regular school setting consistent with Utah Code Ann. § 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the School; and

(iii) if it would be in the best interest of both the School and the student to modify the expulsion term to less than a year, conditioned on approval by the Board and giving highest priority to providing a safe school environment for all students.

[c] For purposes of this policy, the term "firearm", "explosive", and "noxious or flammable material" include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

#### **4.3.2 Students with Disabilities under IDEA and Section 504**

Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act (“IDEA”) or Section 504 of the Rehabilitation Act is determined to have carried a weapon to School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

#### **4.4 Drugs and Controlled Substances – Mandatory Suspension or Expulsion – Utah Code Ann. § 53G-8-205(2)(a)**

**4.4.1** A student shall be suspended or expelled from the School for any of the following reasons:

[a] use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in a School building, in a School vehicle, on School property, or in conjunction with any School-sponsored activity;

[b] misuse or abuse, distribution, sale or arranging for the sale of prescription medication at School or a School-sponsored activity; or

[c] misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at School only in amounts not to exceed the recommended

daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

#### **4.4.2 Students with Disabilities under Section 504**

Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances on School property or in conjunction with any School-sponsored activity.

#### **4.4.3 Drug Testing**

[a]Any student who is reasonably suspected of violating Section 4.4 may be subject to a drug test for cause, arranged and paid for by the School.

[b]Any student who has been suspended or expelled for a violation of Section 4.4 may be required to provide a clean drug test and evidence of completion of drug assessment and/or drug counseling programs as a condition of readmission to School. Testing and counseling required as a condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent.

[c] Students who refuse to submit to required drug testing and counseling programs or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School.

[d]Any student who is suspended or expelled for violation of Section 4.4 may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

#### **4.4.4 Students with Disabilities under IDEA**

Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity, the procedures outlined in Section 10 of this policy must be followed.

#### **4.5 Gangs**

For purposes of this policy, "gang" means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable

signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

#### **4.5.1 Gang Activity and Apparel Prohibited**

Students who engage in any form of gang activity on or about School property, or at any School-sponsored activity may be suspended or expelled under the terms of this policy. For the purposes of this policy, "gang activities" include, but are not limited to any of the following:

[a] Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;

[b] Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, hand shakes, etc.) that demonstrates membership in or a affiliation with a gang;

[c] Soliciting others for membership in a gang;

[d] Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, abusing, or harassing any person;

[e] Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;

[f] Committing any illegal act; or

[g] Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

#### **4.5.2 Confiscation of Gang Items**

Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by School officials at any time.

#### **4.5.3 Consultation with Law Enforcement Authorities**

School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

#### **4.6 Bullying, Cyber-Bullying, Harassment, Hazing, and Abusive Conduct**

Bullying, cyber-bullying, harassment, hazing, and abusive conduct of students and employees are against federal law, state law, and School policy, and are not tolerated by the School. It is the School's intent to respond to school-related incidents by implementing prevention efforts where victims can be identified and assessed, and perpetrators educated, in order to create a safer school that provide a positive learning environment.

School administration has the authority to discipline students and employees for off-campus speech that causes or threatens a substantial disruption on campus, at School activities, or causes or threatens a significant interference with a student's educational performance or involvement in School activities.

Additional information regarding these issues are contained in the School's Bullying and Hazing Policy, which is available on the School's website.

#### **4.7 Possession or Use of Electronic Cigarette Products**

**4.7.1** Students are prohibited from possessing or using electronic cigarette products, as defined by Utah Code Ann. § 76-10-101, on School property.

**4.7.2** The Campus Director or their designee shall request the surrender of or confiscate electronic cigarette products as provided in Section 16 of this policy.

**4.7.3** The Campus Director will ensure that any surrendered or confiscated electronic cigarette product is destroyed or disposed of. However, the Campus Director may allow the release of any surrendered or confiscated electronic cigarette product to local law enforcement if School personnel have a reasonable suspicion that the electronic cigarette product contains an illegal substance and local law enforcement requests that the School release it to them as part of an investigation or action.

### **5. AUTHORITY TO SUSPEND OR EXPEL**

#### **5.1 Authority to Suspend for Ten (10) School Days or Less for Regular Education Students**

The Campus Director has the authority to suspend a regular education student for up to ten (10) school days. In considering whether to suspend a student, the Campus Director shall consider all relevant factors, including but not limited to, the severity of the offense, the student's age, disability, academic status and disciplinary record, parental capabilities, and community resources.

#### **5.2 Authority to Suspend and Duration of Suspension for Students with Disabilities**

The Campus Director has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days, and additional removals of not more than ten (10) total school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement. The School need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly suspended.

### **5.3 Authority to Suspend for Longer than Ten (10) School Days or Expel for Regular Education Students**

Subject to the requirements for due process set forth in Section 9, below, the Lead Director may suspend a regular education student for longer than ten (10) school days and up to one (1) year or expel a regular education student.

Expulsions shall be reviewed by the CMT and the conclusions reported to the Board at least once each year if the parent of the expelled student has expressed a desire for the student to return to the School.

#### **5.3.1 Parental Responsibility**

If a student is suspended for a period longer than ten (10) days or expelled, the student's parent is responsible for undertaking an alternative education plan that will ensure that the student's education continues during the period of expulsion. The parent shall work with designated School officials to determine how the student's education will continue through private education paid for by the parents, an alternative program offered by the local school district, or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services which are not provided by the School are the responsibility of the student's parent.

**5.3.2** The parent and designated School officials may enlist the cooperation of the Division of Child and Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student.

**5.3.3** The School shall contact the parent of each student under age 16 who has been suspended for longer than ten (10) school days or expelled from all School programs and services at least once a month to determine the student's progress if the parent of the student has expressed a desire for the student to return to the School.

### **5.4 Authority to Institute Change of Placement for Student with Disabilities**

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents

regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

### **5.5 Reinstatement of Students Who Have Been Suspended**

In accordance with Utah Code Ann. § 53G-8-206, a suspended student may not be readmitted to the School until (a) the student and the parent have met with a designated School official to review the suspension and agreed upon a plan to avoid the recurrence of the problem; or (b) in the discretion of the Lead Director or Campus Director, the parent of the suspended student and the student have agreed to participate in such a meeting. This provision is subject to the requirements in Section 5.2 and 5.3.

## **6. PROCEDURES FOR ADDRESSING DISRUPTIVE STUDENT BEHAVIOR – Utah Code Ann. § 53G-8-210**

### **6.1 Efforts to Resolve Disruptive Student Behavior Problems**

**6.1.1 Information About Resources.** The School will provide to a parent of a student who engages in disruptive student behavior a list of resources available to assist the parent in resolving the student's disruptive behavior problem.

**6.1.2 Procedures for Resolving Problems.** The Campus Director or a teacher or counselor designated by the Campus Director will work with students who engage in disruptive student behavior according to the procedures identified in Section 7, below, in an attempt to help the student's behavior to improve and to prevent problems from escalating. Incidents of disruptive student behavior and attempts to resolve behavior issues will be documented. The notices of disruptive student behavior described in Section 6.2 and 6.3 below are issued at the discretion of the Lead Director or Campus Director and are not required to be issued prior to suspending or expelling a qualifying minor.

### **6.2 Notice of Disruptive Student Behavior**

**6.2.1 Authorization and Criteria.** The Lead Director and Campus Director are authorized to issue notices of disruptive student behavior qualifying minors who:

[a] engage in "disruptive student behavior" that does not result in suspension or expulsion three times during the school year; or

[b] engage in disruptive student behavior that results in suspension or expulsion once during the school year.

**6.2.2 Contents of Notice.** A notice of disruptive student behavior will:

[a] require the qualifying minor and a parent of the qualifying minor to whom the notice is issued to (i) meet with School authorities to discuss the qualifying minor's disruptive

student behavior; and (ii) cooperate with the Campus Director and the Board in correcting the student's disruptive student behavior; and

[b] be mailed by certified mail to, or served in person on, a parent of the qualifying minor.

**6.2.3 Contesting Notice.** A qualifying minor, or a qualifying minor's parent, may contest a notice of disruptive student behavior by requesting in writing, within ten (10) business days after receipt of the notice, a meeting with the CMT at which the parent and the CMT will discuss the facts related to the student's behavior, the basis of the parent's concerns with or objections to the issuance of the notice, and efforts that have been made to address the behavior problems.

### **6.3 Habitual Disruptive Student Behavior Notice**

**6.3.1 Authorization and Criteria.** The Lead Director or Campus Director may issue a "habitual disruptive student behavior notice" to a qualifying minor who:

[a] engages in disruptive student behavior that does not result in suspension or expulsion at least six times during the school year;

[b] (i) engages in disruptive student behavior that does not result in suspension or expulsion at least three times during the school year; and (ii) engages in disruptive student behavior that results in suspension or expulsion at least once during the school year; or

[c] engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

**6.3.2 Notice to Parents.** Within five (5) days after the day on which a habitual disruptive student behavior notice is issued, the Lead Director or Campus Director shall provide documentation to a parent of the qualifying minor who receives the notice of the efforts made by a School representative under Section 7, below.

### **6.4 Responses to School-Based Behavior**

#### **6.4.1 Definitions.**

[a] "Mobile crisis outreach team" means a crisis intervention service for minors or families of minors experiencing behavioral health or psychiatric emergencies.

[b] "Restorative justice program" means a school-based program or a program used or adopted by a school that is designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.

[c] "Youth court" means the same as that term is defined in § 80-6-901, including that it is a diversion program that provides an alternative disposition for cases involving minors who have committed minor offenses in which youth participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.

**6.4.2 Alternative School-Related Interventions.** The Board may establish or partner with a certified youth court program or establish or partner with a comparable restorative justice program. The School may refer a student to youth court or a comparable restorative justice program in accordance with § 53G-8-211.

**6.4.3 Referrals of Minors.** A qualifying minor to whom a habitual disruptive student behavior notice is issued under Section 6.3.1 may not be referred to the juvenile court. The School will follow § 53G-8-211 with respect to referring a minor who is alleged to be a habitual truant or is alleged to have committed an offense on School property when School is in session or during a School-sponsored activity. In accordance with § 53G-8-211:

[a] if the alleged offense on School property is a class C misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual truant, the minor shall be referred:

(i) to an evidence-based alternative intervention, including:

(1) a mobile crisis outreach team;

(2) youth services center, as defined in § 80-5-102;

(3) a certified youth court, as defined in § 80-6-901, or comparable restorative justice program;

(4) an evidence-based alternative intervention created and developed by the School or other governmental entities as set forth in § 53G-8-211(3)(a)(v);

(5) a tobacco cessation or education program if the offense is a violation of § 76-10-105; or

(6) truancy mediation; or

(ii) for prevention and early intervention youth services, as described in § 80-5-201, by the Division of Juvenile Justice and Youth Services if the minor refuses to participate in an evidence-based alternative intervention described above.

[b] Except as provided in Subsection [c] below, if a minor is alleged to have committed an offense on School property that is a class C misdemeanor, an infraction, or a status offense, the minor may be referred directly to a law enforcement officer or agency or a court only if:

(i) the minor allegedly committed an offense on School property on a previous occasion; and

(ii) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection [a] above for the previous offense.

[c] If a minor is alleged to have committed a traffic offense that is an infraction, the minor may be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.

[d] If a minor is alleged to have committed an offense on School property that is a class B misdemeanor or a class A misdemeanor, the minor may be referred directly to a court or to the evidence-based alternative interventions in Subsection [a] above.

[e] If a minor is alleged to have committed a drug possession offense on School property and the minor has allegedly committed a drug possession offense on School property on at least two previous occasions, the minor shall be referred directly to a court.

[f] If a minor is alleged to be a habitual truant, the minor may be referred to a law enforcement officer or agency or a court if:

(i) the minor was previously alleged of being a habitual truant at least twice during the same school year; and

(ii) the minor was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, as described in Subsection [a] above for at least two of the previous habitual trancies.

[g] If a student allegedly commits an offense described in this Section on School grounds when School is in session or at a School-sponsored activity and that information is reported to, or known by, a School employee, the School employee shall notify the Campus Director. After receiving such a notification, the Campus Director shall notify:

(i) a law enforcement officer or agency if the Campus Director may refer the offense to a law enforcement officer or agency as explained above in this Section;

(ii) the Lead Director as well as other School personnel if the Campus Director determines that other School personnel should be informed; and

(iii) the student's parent.

The Campus Director may not disclose to the student, or to the student's parent, the identity of the School employee who made the initial notification under Subsection (g) above. The identity of a School employee who notifies the Campus Director under Subsection (g) above shall be kept confidential, except that the identity of a School

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employee may be disclosed to a law enforcement officer or agency for purposes of an investigation or prosecution.

**6.4.4 Referral of Students for Firearm Offense.** If a student brings a firearm or weapon to the School, the student shall be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court.

**7. ALTERNATIVES TO EXPULSION, OR CHANGE OF PLACEMENT FOR FREQUENT OR FLAGRANT DISRUPTIVE BEHAVIOR – Utah Code Ann. § 53G-8-207**

A continuum of intervention strategies shall be available to help students whose behavior in School repeatedly falls short of reasonable expectations. Prior to suspending a student for more than ten (10) school days or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so extreme or violent that immediate removal is warranted, good faith efforts shall be made to implement a remedial discipline plan to allow the student to remain in the School.

**7.1** Before referring the student for long-term suspension, expulsion or change of placement under this Section, School staff should demonstrate that they have attempted some or all of the following interventions:

**7.1.1** Talking with the student;

**7.1.2** Class schedule adjustment;

**7.1.3** Phone contact with the parent;

**7.1.4** Informal parent/student conferences;

**7.1.5** Behavioral contracts;

**7.1.6** After-school make-up time;

**7.1.7** Short-term in-school suspension;

**7.1.8** Short-term at-home suspensions;

**7.1.9** Appropriate evaluation;

**7.1.10** Home study;

**7.1.11** Alternative programs; or

**7.1.12** Law enforcement assistance as appropriate.

## **7.2 Parental Attendance with Student – Utah Code Ann. § 5G-8-207(1)-(2).**

As part of a remedial discipline plan for a student, the School may require the student's parent, with the consent of the student's teachers, to attend class with the student for a period of time specified by a designated School official. If the parent does not agree or fails to attend class with the student, the student shall be suspended in accordance with the provisions of this policy.

## **8. DUE PROCESS FOR SUSPENSIONS OF TEN (10) SCHOOL DAYS OR LESS**

The following procedure shall apply to all students facing suspension of ten (10) school days or less:

**8.1** The Campus Director shall notify the student's custodial parent of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent to meet with the Campus Director to review the suspension.

**8.2** The Campus Director shall also notify the non-custodial parent, if requested in writing, of the suspension.

**8.2.1** Section 8.2 does not apply to the portion of School records which would disclose any information protected under a court order.

**8.2.2** The custodial parent is responsible to provide the School a certified copy of any court order under subsection 8.2.1.

**8.3** The Campus Director shall document the charges, evidence, and action taken.

**8.4** Unless one of the exceptions below applies, before a suspension begins the student shall be given notice of the charges, provided with an explanation of the evidence, and given an opportunity to present his/her version of the incident to the Campus Director. The student shall be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.

**8.4.1** In general, the notice and informal conference described in Section 8.4 above shall precede the student's removal from the School.

**8.4.2** If, in the judgment of the Campus Director, notice and an informal conference is not possible because the student poses a danger to a person or property or an ongoing threat of substantially disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and informal conference shall follow as soon as possible.

## **9. DUE PROCESS FOR SUSPENSIONS OF MORE THAN TEN (10) SCHOOL DAYS AND EXPULSIONS**

The following procedure shall apply to all students facing suspension of more than ten (10) school days or expulsion:

**9.1** The Campus Director shall first follow the due process procedures set forth in Section 8 above. If, after following the due process procedures in Section 8, the Campus Director believes that a student should be suspended for more than ten (10) school days or expelled, the Campus Director may make the recommendation to the Lead Director, who will make the decision whether to impose such discipline. In the event the Lead Director decides that a student should be suspended for more than ten (10) school days or expelled, the Lead Director and Campus Director shall meet with the student's parent to discuss the charges against the student and the proposed discipline within five (5) school days after the suspension or expulsion began. If requested in writing, the Lead Director shall also notify the non-custodial parent of the suspension or expulsion as outlined in Section 8.2 of this policy. A suspension may not extend beyond ten (10) school days unless the student and the student's parent have been given a reasonable opportunity to meet with the Lead Director and respond to the allegations and proposed disciplinary action.

### **9.2 Notice to Student and Parent**

During the meeting required in Section 9.1, the Lead Director and Campus Director shall provide the student's parent with written notice that includes all of the following elements (or, if the student's parent refuses to meet, the Lead Director shall send the notice by certified mail, return receipt requested, to the student's parent within ten (10) school days after the suspension or expulsion began):

**9.2.1** a description of the alleged violation(s) or reason(s) giving rise to disciplinary action;

**9.2.2** the penalty being imposed (duration of suspension or expulsion);

**9.2.3** a statement that a due process hearing may be requested by providing the Lead Director with written notice within ten (10) school days of the parent's receipt of the notice;

**9.2.4** a statement that, if a due process hearing is requested, the Board president will designate a hearing officer to conduct the hearing;

**9.2.5** a statement that the suspension or expulsion is taking effect immediately and will continue for the stated period unless a due process hearing is requested in a timely manner and the hearing officer determines otherwise;

**9.2.6** the mailing date of the notice; and

**9.2.7** a statement that, if a hearing is not requested within ten (10) school days after receipt of the notice, the decision to suspend or expel the student will be final, and the parent's right to oppose the decision will be waived.

### **9.3 Hearing Procedures**

If a Due Process Hearing is requested in response to the notice sent pursuant to Section 9.2 of this policy, the following procedures shall apply:

**9.3.1** After receipt of the request, the School shall schedule a hearing as soon as possible but not later than ten (10) school days following receipt of the request unless the student's parent agrees otherwise.

**9.3.2** A written Hearing Notice shall be sent to the parent informing the parent that the Due Process Hearing will be conducted before a hearing officer selected by the Board and of the following information:

- [a] the date, place, and time of the hearing;
- [b] the circumstances, evidence, and issues to be discussed at the hearing;
- [c] the right of all parties to have legal counsel present;
- [d] the right of all parties to present evidence;
- [e] the right of all parties to cross-examine witnesses subject to the hearing officer's determination that this right should be limited to protect student witnesses from retaliation, ostracism or reprisal; and
- [f] the right of all parties to examine all relevant records.

**9.3.3** The hearing officer shall conduct the Due Process Hearing on the record and shall:

- [a] ensure that a written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the School;
- [b] consider all relevant evidence presented at the Hearing;
- [c] allow the right to cross-examination of witnesses, unless the hearing officer determines that this right should be limited to protect student witnesses from ostracism, retaliation or reprisal;
- [d] allow all parties a fair opportunity to present relevant evidence; and
- [e] issue a written decision including findings of fact and conclusions.

### 9.3.4 Hearing Rules

Formal Rules of Evidence do not apply to the Due Process Hearing, and no discovery is permitted. However, the following rules will apply:

[a] parties may have access to information contained in the School's files to the extent permitted by law;

[b] hearings shall be closed to the press and the public;

[c] documents, testimony, or other evidence submitted by the parties after the hearing will not be considered by the hearing officer; and

[d] the hearing officer may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the hearing officer.

### 9.4 Appeals

**9.4.1** Within ten (10) working days following receipt of the Hearing Officer's written decision, either party may appeal the decision, in writing, to the Board.

**9.4.2** Within ten (10) working days following receipt of the appeal, the Board shall rule on the appeal.

## 10. DUE PROCESS FOR CHANGE OF PLACEMENT OF STUDENTS WITH DISABILITIES

Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504 or ADA, procedures outlined in the Utah State Board of Education ("USBE") Special Education Rules shall be followed, including prior written notice to parents regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

### 10.1 Required Services

#### 10.1.1 504 and ADA Students

When a determination is made that the conduct of a 504 or ADA student (but not a student who is disabled under IDEA) is not a manifestation of the student's disability pursuant to Section 10.5, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from School; however, the School must continue to provide education services in accordance with guidelines established by the USBE.

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### **10.1.2 IDEA**

A school need not provide services during periods of removal to a student with a disability under IDEA who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a student without disabilities who has been similarly removed.

If a student with a disability under IDEA has been removed from his or her current placement for more than ten (10) school days in the same school year, for the remainder of the removals the School shall provide services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's IEP.

### **10.2 Change of Placement for Weapons, Drugs, or Serious Bodily Injury**

A student's IEP team may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) school days, if:

**10.2.1** The student carries a weapon to or possesses a weapon at School, on School premises, or to or at a School-sponsored activity; or

**10.2.2** The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School, on School premises, or at a School-sponsored activity; or

**10.2.3** The student has inflicted serious bodily injury upon another person while at School, on School premises, or at a School-sponsored activity.

### **10.3 Change of Placement Due to Student's Serious Misconduct**

School officials may request an expedited due process hearing in order to change the placement of a student with a disability to an appropriate interim alternative educational setting, recommended by the student's IEP team, for not more than forty-five (45) school days. A hearing officer may order such a change, if he/she:

**10.3.1** Determines that School officials have demonstrated by substantial evidence that maintaining the current placement of a student is substantially likely to result in injury to the student or others;

**10.3.2** Considers the appropriateness of the student's current placement;

**10.3.3** Considers whether School officials have made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

**10.3.4** Determines that the interim alternative educational setting being recommended by School officials (1) has been selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP: and (2) includes services and modifications designed to address the behavior at issue so that it does not recur.

#### **10.4 Parental Notice**

As soon as a decision is made by School officials to remove a student with a disability from his/her current placement for more than ten (10) school days, the student's parents must be notified of that decision and of all procedural safeguards outlined by law and School policy.

#### **10.5 IEP Meetings for Manifestation Determination**

**10.5.1** Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision is made to remove the student from the current placement, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

**10.5.2** The manifestation review must be conducted by the student's IEP team and other qualified School personnel.

**10.5.3** In conducting the manifestation review, the IEP team may determine that the behavior of the student was not a manifestation of student's disability only if the IEP team:

[a] First considers, in terms of behavior subject to disciplinary action, all relevant information, including:

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student;

(ii) Observations of the student; and

(iii) The student's IEP and placement; and

[b] Then determines whether:

(i) The conduct in question was caused by or had a direct and substantial

relationship to the child's disability; or

(ii) The conduct in question was the direct result of the School's failure to implement the student's IEP.

**10.5.4** If the IEP team determines that either of the standards above was met, the behavior must be considered a manifestation of the student's disability.

**10.5.5 Determination that Behavior was not Manifestation of Disability**

If the result of the manifestation review is a determination that the behavior of a student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education must still be made available to the student if the student is suspended or expelled from School.

**10.5.6 Determination that Behavior was Manifestation of Disability**

If the result of the manifestation review is a determination that the behavior of a student with a disability was a manifestation of the student's disability, the student must remain in or be returned to the prior placement.

**10.6 IEP Meetings for Functional Behavioral Assessments**

**10.6.1 Post-Discipline Functional Behavioral Assessments**

If School officials have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student before the behavior that results in a removal from School for longer than ten (10) school days or a change of placement to an interim alternative educational setting, School officials shall convene an IEP meeting to develop an assessment plan and appropriate behavioral interventions to address that behavior.

**10.6.2 Pre-Discipline Behavioral Intervention Plans**

If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

**10.7 Placement During Appeals and Stay Put**

**10.7.1** If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student must remain subject to the disciplinary action pending the decision of the hearing officer or until the expiration of the forty-five (45) school day period, whichever occurs first, unless the parent and School officials agree otherwise.

**10.7.2** If a student is placed in an interim alternative educational setting and School personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the student must remain in the current placement (the student's placement prior to the interim alternative education setting), unless School officials succeed in getting an order through an expedited hearing as described in Section 10.3.

## **11. ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN(S)**

### **11.1 Elements of Plan(s)**

The Lead Director will develop, with input from administration, instruction and support staff, students, parents, and other community members, a Student Conduct and Discipline Plan(s). The plan(s) shall be comprehensive, clearly written, consistently enforced, and include the following elements:

**11.1.1** written standards for student behavior expectations, including schoolwide and classroom management;

**11.1.2** effective instructional practices for teaching student expectations;

**11.1.3** systematic methods for reinforcing expected behaviors;

**11.1.4** uniform and equitable methods for correcting student behavior;

**11.1.5** procedures for re-teaching behavior expectations followed by effective, evidence-based interventions matched to student needs before suspension or court referral;

**11.1.6** direction to determine the range of behaviors and establish the continuum of administrative procedures that may be used by School personnel to address student behavior; and

**11.1.7** procedures for responding to reports received through the SafeUT Crisis Line under Utah Code Ann. § 53H-4-210.

### **11.2 Plan(s) Consistent with this Policy**

The administrative Student Conduct and Discipline Plan(s) shall be consistent with this policy. It shall also be consistent with the School's Plan for Harassment and Discrimination Free Learning, which shall be developed by the School in accordance with § 53G-8-802 and R277-609.

## **12. EXTRACURRICULAR ACTIVITIES**

Participation in interscholastic athletics and other extracurricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of suspension/expulsion and may not be allowed to invoke due process procedures to challenge the denial of extracurricular participation.

### **13. RE-ADMISSION OF EXPELLED STUDENTS AND DENIAL OF ADMISSION BASED ON PRIOR EXPULSION – Utah Code Ann. §53G-8-205(3)**

A student who is expelled from the School can only be re-admitted to the School through the School's standard lottery procedures.

A student may be denied admission to the School if he or she was expelled from the School or any other school during the preceding 12 months.

### **14. INVESTIGATIONS**

Whenever the Campus Director has reason to believe that School rules or policies have been broken, he or she shall proceed with an investigation. However, if the Campus Director believes that laws have been broken or child abuse has occurred, he/she shall request appropriate authorities to conduct the investigation.

#### **14.1 General Investigation Guidelines for Campus Director**

The Campus Director has the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. The Campus Director shall conduct investigations according to the following general guidelines:

**14.1.1** The Campus Director shall conduct investigations in a way that does not unduly interfere with School activities.

**14.1.2** The Campus Director shall separate witnesses and offenders in an attempt to keep witnesses from collaborating their statements and have all parties provide separate statements concerning the incident under investigation; written statements are preferable, if possible.

**14.1.3** The Campus Director shall advise students suspected of wrongdoing orally or in writing of the nature of the alleged offense.

**14.1.4** Students must be provided an opportunity to give their version of the incident under investigation; however, refusals to respond or provide information should be respected.

**14.1.5** When questioning students as part of an investigation, School staff should have another adult present whenever possible.

**14.1.6** The Campus Director shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.

**14.1.7** All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action.

**14.1.8** When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.

#### **14.2 Coordination with Law Enforcement**

The Campus Director has the responsibility and the authority to determine when the help of law enforcement officers is necessary, as outlined in this policy and Utah State law.

**14.2.1** The School administration may invite law enforcement officials to the School to:

[a] conduct an investigation of alleged criminal conduct on the School premises or during a School-sponsored activity;

[b] maintain a safe and orderly educational environment; or

[c] maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.

#### **14.2.2 Investigation of Criminal Conduct**

During an investigation for violation of School rules, it may become evident that the incident under investigation may also be a violation of criminal law. If the School official has reason to suspect that a criminal act has been committed and, in the opinion of the Campus Director, law enforcement should be notified, the following procedure should be followed:

[a] The Campus Director shall request that law enforcement officers conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.

[b] The School official shall inform the student's parent as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation.

[c] Unless circumstances dictate otherwise, questioning of the student by School officials shall not begin or continue until the law enforcement officers arrive.

[d] Reasonable attempts shall be made to contact the student's parents who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities.

[e] The Campus Director shall document the contact or attempted contact with the student's parents. If the Campus Director cannot contact the student's parent, or if the parent is unable to be present with the student for questioning, the Campus Director shall be present and document generally what occurs during the interview.

[f] The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer.

[g] If the parent or student refuses to consent to questioning by law enforcement authorities, the law enforcement authorities shall determine the course of action to be pursued.

#### **14.2.3 Investigation Initiated by Law Enforcement Authorities**

School officials shall cooperate with law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc.

[a] When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation on School grounds during School hours.

[b] Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:

(i) The officers shall be required to get prior approval of the Campus Director or other designated person before beginning an investigation on School premises.

(ii) The Campus Director shall document the circumstances warranting the investigation as soon as practical.

(iii) Alleged criminal behavior related to the School environment brought to the Campus Director's attention by law enforcement officers shall be dealt with under the provisions of Section 14.1.

(iv) Law enforcement officials (investigating School-related or student-related crimes) may not have access to student education records, aside from directory information, unless they have a subpoena or court order or permission from a parent.

#### **14.2.4 Release of Student to Law Enforcement Official**

[a] Students may not be released to law enforcement authorities voluntarily by School

officials unless the student has been placed under arrest or unless the parent and the student agree to the release.

[b] When students are removed from School for any reason by law enforcement authorities, every reasonable effort shall be made to contact the student's parent immediately except in cases of child abuse and neglect. Such effort shall be documented.

[c] The Lead Director shall immediately notify the Board of the removal of a student from School by law enforcement authorities.

[d] Where it is necessary to take a student into custody on School premises, the law enforcement officer shall contact the Campus Director and relate the circumstances necessitating such action.

[e] Whenever the need arises to make arrests or take students into custody on School premises, the Campus Director shall make reasonable efforts to consult and confer with the law enforcement officers as to how an arrest is to be made.

[f] When possible, the Campus Director shall have the student summoned to the Campus Director's office before the student is taken into custody.

[g] When a student has been taken into custody or arrested on School premises without prior notification to the Campus Director, the School staff present shall encourage the law enforcement officers to tell the Campus Director of the circumstances as quickly as possible. If the officers decline to tell the Campus Director, the School staff members present shall immediately notify the Campus Director.

#### **14.2.5 Quelling Disturbances of School Environment**

Law enforcement officers may be requested to assist in controlling disturbances of the School environment that a Campus Director has found to be unmanageable by School personnel and that has the potential of causing harm to students and other persons or to property. Such circumstances include situations where a parent or member of the public exhibits undesirable or illegal conduct on or near School grounds or at a School-sponsored activity and who refuse to abide by the Campus Director's directive to leave the premises.

#### **14.2.6 Investigations of Alleged Drug Offenses**

Nothing in this Section or policy prohibits the Campus Director or their designee from investigating an alleged drug offense that involves School property, a student, or a School employee, including conducting a search on School property, before notifying a law enforcement officer or agency. Any such investigation, search, and handling of evidence shall comply with the requirements of Utah Code Ann. § 53G-8-511 and related USBE rules.

## **15. SEARCHES OF PERSON OR PROPERTY**

Given the School's custodial and tutelary responsibility for children, and the Board's intent to preserve a safe environment for all students and staff, the Board recognizes that School officials must have the authority to conduct reasonable searches of students and student property. School officials engaging in searches of students and property shall abide by the following guidelines:

### **15.1 General Guidelines for Searches of Person or Property**

#### **15.1.1 Student Lockers**

Students have no right or expectation of privacy in school lockers. While lockers are under the joint control of students and the School, lockers are solely School property and may be searched at any time by School officials with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 15.2 of this policy.

#### **15.1.2 Searches of Students and Student Property**

Searches of a student's person, personal property (coats, hats, backpacks, bookbags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction. Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or student property is concealing items including but not limited to weapons, drugs, alcohol, controlled substances, electronic cigarette products, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

### **15.2 Searches of Personal Belongings**

**15.2.1** Personal belongings may be searched by School officials whenever School officials have a 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 teacher, or police officer) to observe that the search is not excessively intrusive.

**15.2.2** 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.

### **15.3 Searches of Person**

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

[a] The search shall be conducted in a private area of the School by a School official of the same sex, where practical, as the student being searched;

[b] The search shall be observed by an objective third party of the same sex, where practical, as the student being searched (i.e., Campus Director, teacher, police officer);

[c] School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband;

[d] Under no circumstances may School officials require students to remove any other items of clothing or touch students in any way during the search.

[e] 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.

[f] In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to the investigation guidelines in Section 14 of this policy.

### **15.4 Documentation of Searches**

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:

**15.4.1** The time, place and date of the search;

**15.4.2** The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);

**15.4.3** The name and title of individuals conducting and observing the search;

**15.4.4** A statement about evidence that was found or not found as a result of the search;

**15.4.5** A statement about who took possession of contraband (i.e., police, school, etc.);

**15.4.6** Information regarding the attempts of School officials to notify parents about the search.

**16. RECORDS—INTERAGENCY COLLABORATION – 20 U.S.C. § 1232g(h)(i)-(2); Utah Code Ann. § 53G-8-402 to -405**

**16.1 Requirements After Receiving Notification From Juvenile Court and/or Law Enforcement Agencies of a Student's Serious Offense or Sexual Crime.**

**16.1.1** If the President of the Board or the Lead Director of the School is notified by the juvenile court or a law enforcement agency that a current or former student of the School was arrested for, charged with, or adjudicated in court for a serious offense or sexual crime, the President of the Board or Lead Director shall notify the student's Campus Director within three (3) days of receiving the notification. "Serious offense" is defined in Utah Code Ann. § 80-6-103 and means the following: a violent felony as defined in § 76-3-203.5; an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property stolen is a firearm; or an offense in violation of Title 76, Chapter 1 1, Weapons.

"Sexual crime" or "sexual misconduct" means any conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses; Title 76 Chapter 5b, Sexual Exploitation Act; or § 76-7-102, Incest.

**16.1.2** Upon receipt of the information about a student's serious offense (whether from the President of the Board, the Lead Director, or directly from the juvenile court or law enforcement agency), the Campus Director shall make a notation in a secure file other than the student's permanent file. Beginning no later than July 1, 2025, the School shall digitally maintain the secure file or, if available, the student's related reintegration plan described below, for one year from the day the notice is received and ensure the secure file follows the student if the student transfers to a different school

**16.1.3** Upon receipt of the information about a student's serious offense or sexual crime (whether from the President of the Board, the Lead Director, or directly from the juvenile court or law enforcement agency), the Campus Director shall, if the student is still enrolled in the School, notify staff members who, in the Campus Director's opinion, should know of the adjudication, arrest, or detention. Staff members receiving information about a juvenile student's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.

**16.2 Multidisciplinary Team and Reintegration Plan**

**16.2.1** In addition to complying with the requirements above, the School shall, within seven (7) School days after receiving, while School is in session, a notification described in Section 16.1.1 about a student, or within a reasonable time after otherwise being notified of a student being arrested for, charged with, or adjudicated in juvenile court for committing a serious offense or sexual crime, develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent. If the School receives the notification when School is not in session, the School shall develop the reintegration plan within seven (7) days of School being back in session from

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summer break. The multidisciplinary team should include the following or their designees, if applicable: the School, the juvenile court, the Division of Juvenile Justice and Youth Services, the School's Safety and Security Specialist, the School's Safety and Security Director, the School's Resource Officer (if any), and any other relevant party that should be involved in a reintegration plan.

**16.2.2** The reintegration plan shall include:

[a] a behavioral intervention for the student;

[b] a short-term mental health or counseling service for the student;

[c] an academic intervention for the student; or

[d] any other intervention that the multidisciplinary team, the student, and the student's parent determine are necessary.

**16.2.3** If the serious offense or sexual crime was directed at a School employee or another student within the School, notification of the reintegration plan shall be provided to that School employee or student and the student's parent.

**16.2.4** The School may deny admission to the student until the School completes the reintegration plan.

**16.2.5** The School's Resource Officer (if any) shall provide input for the School to consider regarding the safety risks a student may pose upon integration. The School shall also notify its Resource Officer (if any) of any student who is on probation.

**16.2.6** The School shall not reintegrate a student into a School campus where:

[a] a student or staff member of the campus has a protective order against the student being reintegrated; or

[b] a student or staff member of the campus is a victim of an offense listed in Utah Code Ann. § 76-3-203.5 committed by the student who is seeking reintegration or continued enrollment.

If the circumstances above exist, the multidisciplinary team shall determine if the student is eligible to be offered placement at a different campus of the School.

**16.2.7** The School may elect to not integrate a student into a School campus if the student has committed, or allegedly committed, a forcible felony. If the School elects to not integrate such a student, the School shall provide alternative education options for the student.

**16.2.8** A reintegration plan under this section is classified as a protected record under

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Utah Code Ann. § 63G-2-305. All other records of disclosures under this Section are governed by the Government Records Access and Management Act and the Family Educational Rights and Privacy Act ("FERPA").

16.2.9 A reintegration plan shall remain in effect for an entire school year or 180 days from the plan's implementation, or as long as the multidisciplinary team deems the reintegration plan necessary.

### **16.3 Students Committing a Serious Offense or Sexual Crime are Subject to Suspension or Expulsion**

Students who commit a serious offense or sexual crime, whether on or off School property, are subject to the suspension and expulsion provisions of this policy.

### **16.4 Student Discipline Records/Education Records**

School officials may include appropriate information in the education record of any student concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.

#### **16.4.1 Disclosure of Discipline Records to Other Educators**

School officials may disclose student discipline information described above to teachers and other School officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

#### **16.4.2 Disclosure of Discipline Records to Other Agencies**

School officials shall not release personally identifiable student discipline records to other government agencies, including law enforcement agencies, unless the agency produces a subpoena or court order (need for standing court order from juvenile court), the student's parent has authorized disclosure, or a FERPA exception applies.

## **17. EMERGENCY SAFETY INTERVENTIONS**

A School employee may not use physical restraint on a student or place a student in seclusion except as a necessary emergency safety intervention in compliance with this Section.

### **17.1 Definitions**

**17.1.1** "Comprehensive emergency safety intervention training" means a training required for key identified school employees that has the components described in R277-608-4(4).

**17.1.2** "Chemical restraint" means the use of medication administered to a student, including medications prescribed by the student's physician or other qualified health

professional, on an as-needed basis for the sole purpose of involuntarily limiting the student's freedom of movement.

**17.1.3** "Emergency safety intervention" ("ESI") means the use of seclusion or physical restraint when a student presents an immediate danger to self or others. An ESI may not be used for disciplinary purposes.

**17.1.4** "Immediate danger" or "immediate and significant threat" means the imminent risk of physical violence toward self or others, or other physical behaviors which are likely to cause imminent risk of substantial bodily injury or serious bodily injury.

**17.1.5** "Key Identified School Employee" means a School employee who has completed foundational behavior support training and comprehensive emergency safety intervention training and has been authorized by the Lead Director or Campus Director to utilize an ESI at the School when necessary.

**17.1.6** "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement.

**17.1.7** "Foundational behavior support training" means a training required for all School employees who supervise students or may be asked to assist in managing a student's behavior that has the components described in R277-608-4(1).

**17.1.8** "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.

**17.1.9** "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

**17.1.10** "Seclusion" means seclusionary time out that is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, including: (i) placing a student in a locked room; or (ii) placing a student in a room where the door is blocked by furniture or held closed by staff.

**17.1.11** "Serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.

**17.1.12** "Substantial bodily injury" means bodily injury, not amounting to serious bodily injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.

## **17.2 General Procedures**

**17.2.1** All School employees who supervise students, or who may be asked to assist in managing a student's behavior, shall receive foundational behavior support training.

This training must be completed within two months, or within 30 days if working directly with a student with disabilities, of employment at the School and bi-annually thereafter.

**17.2.2** Key Identified School Employees shall receive comprehensive ESI training in addition to the foundational behavior support training. Comprehensive ESI training shall be completed before a Key Identified School Employee may use an ESI with a student and annually thereafter.

**17.2.3** An ESI shall:

[a] be applied for the minimum time necessary to ensure safety, as reasonably understood by the Key Identified School Employee using the ESI;

[b] be released under the following circumstances (release criteria):

(i) as soon as the student is no longer an immediate danger of physical harm to self or others (e.g., student is no longer hitting, kicking, biting, throwing objects, self-harming, or making other movements that create imminent risk of physical violence; student is able to respond to staff verbally or nonverbally in a regulated way; and/or the student exhibits signs of de-escalation, such as having a relaxed body, no longer attempting to break free, or breathing slowly); or

(ii) if the student is in severe distress (e.g., student is having difficulty breathing or is vomiting, gagging, experiencing chest pain, or turning pale or blue in the face);

[c] never be used as punishment or discipline;

[d] in no instance be imposed for more than 30 minutes, per occurrence; and

[e] be documented and reported, as required.

**17.2.4** The School prohibits dangerous practices as defined by the School, including dangerous practices outlined in the Least Restrictive Behavioral Interventions (LRBI) Technical Assistance manual.

### **17.3 Students with Disabilities Receiving Special Education Services**

**17.3.1** Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504 shall be subject to all applicable state and federal laws, including LRBI policies and procedures for special education/504 programs.

**17.3.2** Additionally, ESIs written into a student's IEP as a planned intervention are prohibited unless school personnel, the family, and the IEP team agree less restrictive means have been attempted; a Functional Behavioral Assessment has been conducted; and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

**Deleted: 17.2.5** The School shall take prompt and appropriate action, including in-service training and other administrative action, upon confirming a violation related to the use of an ESI on a student. Violations of any standards for seclusion or physical restraint established by the Utah State Board of Education shall also result in a referral to local law enforcement and the Utah Professional Practices Advisory Commission.<sup>11</sup>

## **17.4 Physical Restraint**

**17.4.1** Key Identified School Employees may, in accordance with Section 17.2.3 and when acting within the scope of employment, use physical restraint on a student when the student presents an immediate danger to self or others and when no other safe or effective intervention is available.

**17.4.2** Key Identified School Employees may use reasonable and necessary physical restraint only:

- [a] in self-defense;
- [b] to protect a student or another person from physical injury;
- [c] to remove from a situation a student who is violent;
- [d] to take possession of a weapon or other dangerous object in the possession or under the control of a student; or
- [e] to protect property from being damaged, when physical safety is at risk.

**17.4.3** When an employee exercises physical restraint as an ESI on a student, the following types of physical restraint are prohibited:

- [a] prone, or face-down;
- [b] supine, or face-up;
- [c] physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;
- [d] mechanical restraint, except for restraints required by law, including seatbelts or any other safety equipment used to secure students during transportation, protective or stabilizing restraints as prescribed by an appropriate medical or related services professional, and devices used by a law enforcement officer in carrying out law enforcement duties; or
- [e] chemical restraint.

**17.4.4** A Key Identified School Employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:

- [a] the amount of time described in the School's ESI training program;

- [b] 30 minutes; or
- [c] when law enforcement intervenes.

**17.4.5** Despite the foregoing, a Key Identified School Employee shall first use the least restrictive intervention available to the employee, including a physical escort, to address circumstances described in Section 17.4.1. In addition, nothing in this Section prohibits a Key Identified School Employee from subsequently using less restrictive interventions to address circumstances described in Section 17.4.1.

**17.4.6** A student who has been physically restrained and then released shall, in addition to being promptly reassessed by the Key Identified School Employee, be monitored for a reasonable period of time to help ensure the continued safety and well-being of the student and others. Monitoring should include observation for signs of such things as injury, respiratory distress, or continued escalation, and the Lead Director or Campus Director and medical personnel shall be notified when warranted.

## **17.5 Seclusion**

**17.5.1** A Key Identified School employee may, in accordance with Section 17.2.3 and when acting within the scope of employment, place a student who is in grade 1 or higher in seclusion as an ESI when the student presents an immediate danger to self or others and when no other safe or effective intervention is available. Students in kindergarten shall not be placed in seclusion.

**17.5.2** Key Identified School Employees may use seclusion only when:

- [a] other less restrictive interventions have failed;
- [b] a staff member who is familiar to the student is actively supervising the student for the duration of the seclusion;
- [c] the student is observed at all times during the seclusion by School personnel who have received the comprehensive ESI training;
- [d] any door to the area or room used for seclusion remains unlocked consistent with applicable fire and public safety requirements described in R392-200 and R710-4; and
- [e] the seclusion is time-limited to a maximum time of 30 minutes, per occurrence, and monitored.

**17.5.3** A School employee may not place a student in seclusion:

- [a] as a behavioral intervention;
- [b] as a disciplinary practice;

[c] for coercion, retaliation, or humiliation;  
[d] due to inadequate staffing; or

[e] for the School employee's convenience.

**17.5.4** A student who has been placed in seclusion and then released shall be promptly reassessed by the Key Identified School Employee and also monitored for a reasonable period of time to help ensure the continued safety and well-being of the student and others. Monitoring should include observation for signs of such things as injury, severe distress, or continued escalation, and the Lead Director or Campus Director and medical personnel shall be notified when warranted.

**17.5.5** The Lead Director or Campus Director shall ensure that all the following individuals are debriefed at an appropriate time after a student seclusion has taken place:

[a] all witnesses;

[b] all School staff who were involved;

[c] the student who was secluded; and

[d] the parent of the student who was secluded.

**17.5.6** The Lead Director or Campus Director shall also ensure that a proper review of the decision to use seclusion is performed as soon as reasonably possible after a student seclusion has taken place.

**17.5.7** The School does not allow the designation of any enclosed area in its buildings for the sole purpose of seclusion. If the School chooses to operate a room primarily intended for seclusion, the room shall comply with the physical standards and other requirements for seclusion rooms as set forth in Utah Code Ann. § 53G-8-301(14), even if the room is also used for other purposes. These requirements include, but are not limited to, physical standards governing square footage, distance between walls, ceiling height, and construction design; requirements for lighting, ventilation, climate, safety features, and audio and video recording equipment; and compliance with building and fire codes.

## **17.6 Notification of the Use of an ESI**

**17.6.1** If an ESI is used on a student, the School or the employee who used the ESI shall immediately notify the following:

[a] the student's parent; and

[b] School administration.

This notice shall be provided no later than 15 minutes after the use of an ESI.

17.6.2 If the student's parent cannot be reached after 15 minutes, and the 30-minute time limit has been reached, the School or the employee who used the ESI may:

[a] conduct a reassessment of the student's condition;

[b] determine whether the student continues to pose an immediate and significant threat to the student or others; and

[c] if the School determines that the threat continues and that less restrictive interventions remain ineffective, place the student back in seclusion for an additional period not to exceed 30 minutes, after which the same process described above shall be repeated if necessary.

17.6.3 Parent notifications made under this Section shall be documented in the School's student information system.

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## **17.7 Documentation of the Use of an ESI**

**17.7.1** If an ESI is used on a student, the School or the employee who used the ESI shall document the use of the ESI. This shall include a written description of the type of ESI used, the date and time the ESI was used, the location where the ESI was used (and if a seclusion room was used, whether the room complied with Utah Code Ann. § 53G-8-301(14)), the length of time the ESI was used, the reason the ESI was used, the alternative interventions or de-escalation strategies attempted before the ESI was used, and demographic information on the student (sex, gender, age, grade in school, and disability status, if any). This documentation shall be provided to the School's Emergency Safety Intervention Committee and the student's parents.

**17.7.2** In addition, upon request of a student's parent, the School shall provide the parent with a copy of any notes or additional documentation taken during the use of the ESI, including a description of the physical space in which a seclusion occurred or the type of physical restraint that was used.

**17.7.3** Within 48 hours of using an ESI on a student, the School shall notify the parent that the parent may request a copy of any notes or additional documentation taken during the use of the ESI.

**17.7.4** A parent may request a time to meet with School staff and administration to discuss the use of an ESI.

**17.7.5** The documentation of an ESI described in this Section shall be documented in the School's student information system.

## **17.8 Emergency Safety Intervention (ESI) Committee**

**17.8.1** The School shall establish an ESI committee that includes:

[a] at least one administrator;

[b] at least one parent of a student enrolled in the School, appointed by the School's Lead Director;

[c] at least one licensed educational professional with behavior support training and knowledge in both state law and the School's conduct and discipline policies related to ESIs; and

[d] at least one other licensed educator.

**17.8.2** The ESI committee shall:

[a] meet often enough to monitor the use of ESIs within the School;

[b] determine and recommend professional learning needs;

[c] develop policies for processes to resolve concerns regarding the use of ESIs; and

[d] ensure that each emergency incident where a School employee uses an ESI is documented in the School's student information system and reported annually to the State Superintendent of Schools through UTREx.

## **17.9 ESI Records and Reporting**

**17.9.1** The School shall collect, maintain, and periodically review the documentation or records regarding the use of ESIs in the School.

**17.9.2** The School shall annually provide documentation of any School use of an ESI to the State Superintendent of Schools in accordance with Utah Code Ann. § 53G-8-301(11). This includes documentation described in Section 17.7.

## **17.10 Violation of ESI Requirements**

### **17.10.1 Violations of Seclusion Room Standards**

If the School identifies or receives a report of a violation of the physical standards applicable to a seclusion room, the School shall notify the Board, develop a corrective action plan, and report the violation and corrective action plan to the USBE within the timeframe established by USBE rule. If the USBE identifies or receives a report of such a violation and notifies the School, the School shall investigate the matter and take corrective action as required by law. If the School fails to develop an appropriate corrective action plan or achieve compliance within the timeframe established by the USBE, the USBE may take further action as authorized by law.

### **17.10.2 Violations of Seclusion or Physical Restraint Requirements**

If the School identifies or receives a report of a violation of the statutory requirements governing the use of seclusion or physical restraint, including improper use of seclusion or physical restraint, failure to provide the required parent notification, or failure to properly document the use of an ESI, the School shall investigate the matter, take appropriate disciplinary action against involved staff, and implement corrective measures to prevent future violations. Any violation constituting unlawful detention, including the use of seclusion or physical restraint in violation of Utah Code Ann. § 53G-8-301(10), shall be handled in accordance with applicable law, including a referral to local law enforcement and the Utah Professional Practices Advisory Commission.

## **18. CORPORAL PUNISHMENT**

“Corporal punishment” means the intentional infliction of physical pain upon the body of a student as a disciplinary measure. Corporal punishment at the School is prohibited. School employees may not inflict or cause the infliction of corporal punishment upon a student. The School shall take prompt and appropriate action, including in-service training and other administrative action, upon confirming a violation with respect to corporal punishment. School personnel who inflict or cause the infliction of corporal punishment on a student will be subject to discipline up to and including termination. School personnel who have been disciplined for the infliction of corporal punishment upon a student may appeal the disciplinary action in accordance with the School's Staff Grievance Policy.

## **19. TRAINING**

**19.1** All new employees shall receive information about this policy and the administrative Student Conduct and Discipline Plan(s) at new employee orientation. All other employees shall be provided information on a regular basis regarding this policy, the Student Conduct and Discipline Plan, and the School's commitment to a safe and orderly school environment.

**19.2** Employees who have specific responsibilities for investigating, addressing, and resolving issues addressed in the policy shall receive annual training on this policy and related legal developments.

**19.3** The Campus Director shall be responsible for informing students, parents, and staff of the terms of this policy and the Student Conduct and Discipline Plan, including the procedures outlined for investigation and resolution of violations.

## **20. REPORTING ON SUSPENSIONS AND EXPULSIONS**

**20.1** The School shall develop a consistent process to collect incident, infraction, and discipline data, including the number of days of student suspensions and expulsions.

**20.2** The School shall submit all required incident, infraction, and discipline data, including suspensions and expulsions consistent with R277-484. The School shall submit

any yearly and comprehensive updates no later than June 30th of each year.

**20.3** The School shall compile an annual report of all out-of-school suspensions and expulsions and submit it to the Utah State Board of Education as described in Utah Code Ann. § 53G-8-205(5).

## **21. POLICY DISSEMINATION AND REVIEW**

**21.1** This policy shall be posted in a prominent location in the School and on the School's website. The policy shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.

**21.2** This policy shall be reviewed as necessary with appropriate revisions recommended to the Board. The data described in Section 20 may be used by the School to evaluate the efficiency and effectiveness of this policy.