Advantage Arts Academy
Board of Directors Meeting

Date: 09.28.2026
Time: 4:30 PM
Location: https://us02web.zoom.us/j/82943150336

ADVANTAGE ARTS ACADEMY

AGENDA

CALL TO ORDER

CONSENT ITEMS
- August 10, 2026 Board Meeting Minutes

PUBLIC COMMENT (Comments will be limited to 3 minutes each)

REPORTS
- Director Report
- Finance Report

VOTING & DISCUSSION ITEMS
- Amended TSSA Framework
- Schedule Change for 2027-2028 SY
- Policies
  - Amended Attendance Policy
  - Amended Bullying and Hazing Policy
  - Amended Capitilization and Expense Policy
  - Amended Electronic Resources Policy
  - Amended Fee Waiver Policy
  - Amended Financial Reporting Policy
  - Amended Lottery and Enrollment Policy
  - Amended Paid Parental and Postpartum Recovery Leave Policy
  - Amended Procurement Policy
  - Amended Religion and Education Policy & Procedures
  - Amended Sex Education Instruction Policy
  - Amended Student Conduct and Discipline Policy
  - Amended Weapons on School Property Policy

CALENDARING

- Next Board Meeting – Monday, November 16, 2026 at 4:30 PM.

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.

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).

ADJOURN

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

Advantage Arts Academy
Board of Director's Meeting

EXECUTIVE SUMMARY

DIRECTORS 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*

POLICIES

Action: Board Vote

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 Capitalization and Expense Policy:

Federal regulations (2 CFR § 200.313) and the Utah Division of Finance's Capital Assets Policy 9-1 were amended to increase the capitalization threshold from $5,000 to $10,000. The school's Capitalization and Expense Policy has been revised accordingly. The school’s accountant supports this policy change.

Amending Electronic Resources Policy:

This policy and the corresponding administrative procedures have been revised to comply with the changes to law, including those in SB 88 from the 2026 legislative session. The changes include specifying that the policy must be reviewed and approved at least every three years, that all rules and procedures applicable to the policy must be available for review at the school, that AI glasses are now included in the definition of “electronic device,” and that parents may request administration to allow their student to briefly use a privately-owned electronic device during non-instructional time at a specified location designated by the school. The changes also include clarifying the definition of “obscene” and “harmful to minors” and explaining that the school’s technology protection measures include a parent-accessible monitoring system that allows parents to review the activity of their children on school-owned electronic devices.

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 Paid Parental and Postpartum Recovery Leave Policy:

HB 329 from the 2026 legislative session expanded paid leave benefits for qualified LEA employees. The bill requires LEAs to provide an additional three (3) weeks of paid leave to a qualified employee who adopts a child under six (6) years of age (this leave is in addition to the three (3) weeks of parental leave already available to a qualified employee who adopts a child). The bill also creates a separate category of foster leave, requiring LEAs to provide four (4) weeks of paid leave to a qualified employee who becomes a foster parent of a child. Unlike adoption leave, foster leave is not in addition to parental leave because the bill removes foster leave from the parental leave category and establishes it as a separate leave benefit. The Paid Parental and Postpartum Recovery Leave Policy has been revised to incorporate these changes, and its title has been updated to the Paid Parental, Postpartum Recovery, Adoption, and Foster Leave Policy.

Amending Procurement Policy:

The school's Procurement Policy has been revised to comply with changes to R33-105, including with respect to quotes for purchases between $5k and $50k, professional services, and construction projects. A provision was also added regarding the school following federal procurement requirements, if applicable, when using federal grant funds to procure goods and services.

Amending Religion and Education Policy:

As a result of the passage of SB 260, the school's Religion and Education Policy has been revised to ensure that students may express their religious beliefs in schoolwork without discrimination, that schoolwork is neither penalized nor rewarded based on a student's religious perspective, and that the school provides employees and students with notice of the constitutional rights and freedoms addressed in the policy.

Amending Sex Education Instruction Policy:

HB 281 from the 2025 legislative session revised the definition of "sex education instruction." It also modified the list of sex education related topics that are not allowed to be taught in school (e.g., adding abortion or abortive methods to the list of prohibited topics). The school's Sex Education Instruction Policy and admin procedures have been revised to comply with the updated definitions and requirements from HB 281. Other proposed revisions to the policy and procedure have also been made, including specifying that parent or staff complaints about the school's sex education instruction materials should be addressed in accordance with the school's applicable grievance policy. Although HB 281 was passed in 2025, the changes relative to sex education instruction go into effect beginning July 1, 2026.

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.

Amending Weapons on School Property Policy:

HB 84 clarifies that individuals may not carry a firearm on school property, whether openly or concealed, unless authorized by law. The bill also clarifies that an individual with a concealed firearm permit may carry a firearm only in a concealed manner, unless the individual is lawfully responding to an active threat or another statutory exception applies. The Weapons on School Property Policy has been amended to reflect these changes.

Advantage Arts Academy
Board of Directors Meeting

Date: 08.10.2026
In Attendance: Suzy Mortenson, Crystal Thomas, Darren Marshall, Meche Mellor
Excused: Chris Joyce
Others In Attendance: Kelly Simonsen, Dawn Benke, Hannah Jones, Heidi Bauerle
Teleconference: https://us02web.zoom.us/j/83956242301

MINUTES

CALL TO ORDER Suzy Mortenson called the meeting to order at 4:31 PM.

CONSENT ITEMS

- June 23, 2026, Board Meeting Minutes
  Darren Marshall made a motion to approve the June 23, 2026, Board Meeting Minutes. Crystal Thomas seconded. The motion passed unanimously. The votes were as follows: Suzy Mortenson, Aye; Crystal Thomas, Aye; Darren Marshall, Aye; Meche Mellor.

  Meche Mellor entered the meeting at 4:32 PM.

PUBLIC COMMENT

There were no public comments.

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.
  Crystal Thomas made a motion to Award the RFP for Food Service Management Company to Lunch Pro. Meche Mellor seconded. The motion passed unanimously. The votes were as follows: Suzy Mortenson, Aye; Crystal Thomas, Aye; Darren Marshall, Aye; Mechelle Mellor, Aye.

CALENDARING

The next board meeting is scheduled for September 28, 2026, at 4:30 PM.

ADJOURN

AT 4:37 PM Meche Mellor made a motion to adjourn. Crystal Thomas seconded. The motion

DRAFT

passed unanimously. The votes were as follows: Suzy Mortenson, Aye; Crystal Thomas, Aye; Darren Marshall, Aye; Chris Joyce, Aye; Mechelle Mellor, Aye.

DRAFT

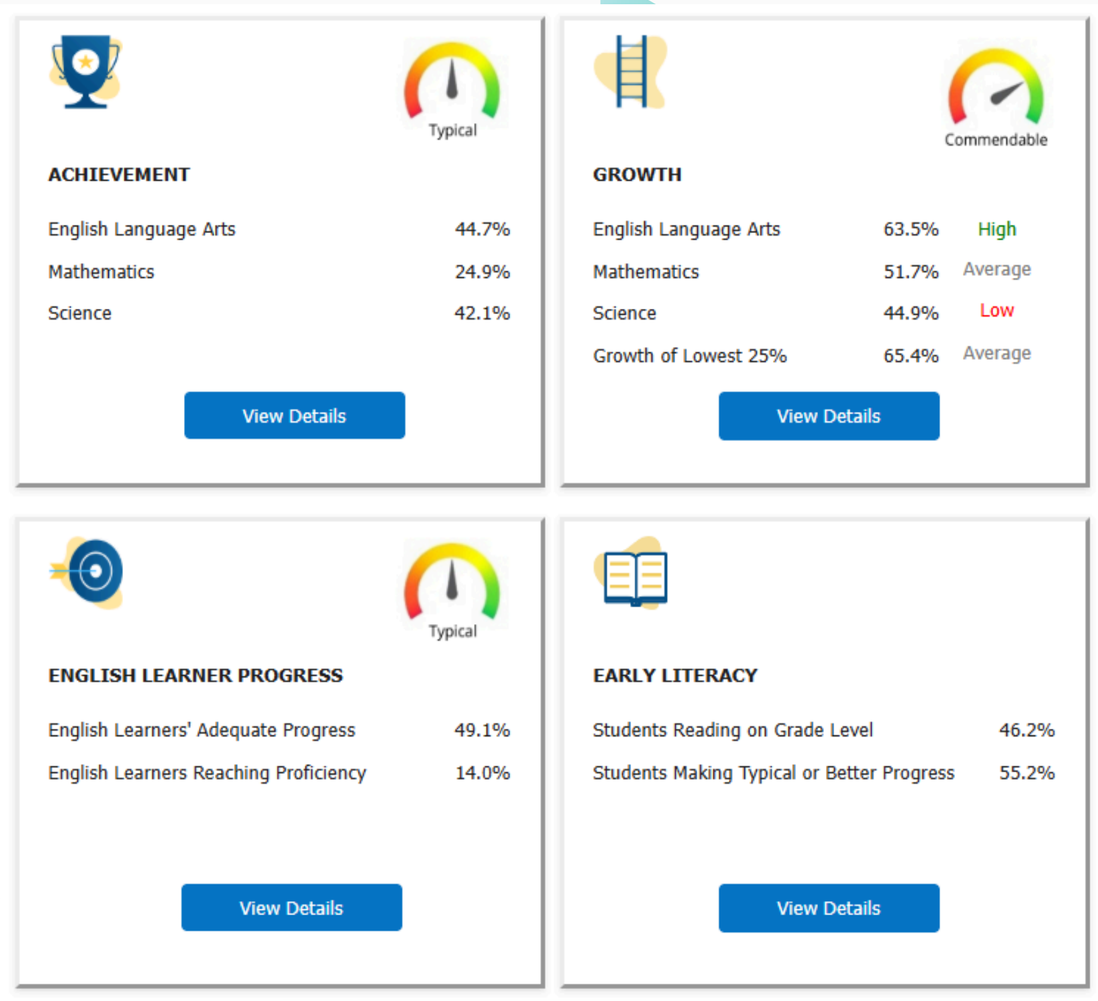
ADVANTAGE ARTS ACADEMY

DIRECTOR'S REPORT

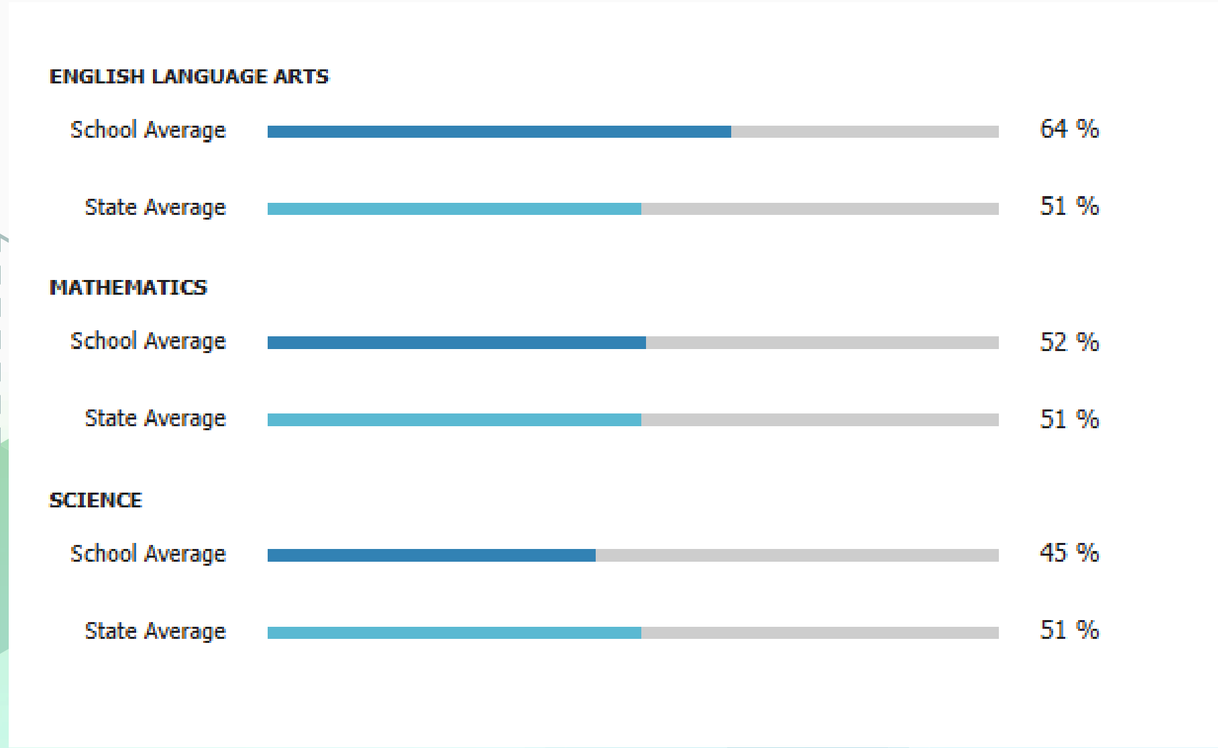
SEPTEMBER 26, 2026
PREPARED BY KELLY SIMONSEN

USBE SCHOOL REPORT CARD

2025-2026



STATE COMPARISON



ATSI EXIT

Additional Targeted Support & Improvement

ATSI JOURNEY: 2022 – 2026

FOCUSED SUPPORT → MEASURABLE PROGRESS → SUCCESSFUL EXIT

2022
ATSI IDENTIFIED

Advantage Arts Academy was identified for Additional Targeted Support and Improvement (ATSI) based on the performance of an identified student group.

2023 – 2025
IMPROVEMENT & MONITORING

- Implemented targeted supports and interventions
- Strengthened data analysis, MTSS/WIN, and instructional practices
- Monitored progress of the identified student group
- Focused on closing achievement gaps and increasing student outcomes

2026
EXIT CRITERIA MET
ATSI EXITED

The identified student group met the state's exit criteria, demonstrating sufficient improvement and performing above the lowest-5% threshold. Advantage Arts Academy successfully exited ATSI status.

2026-2027 ENROLLMENT

	Current	Openings
Kindergarten	59	4
1st Grade	53	-3
2nd Grade	44	6
3rd Grade	49	1
4th Grade	49	1
5th Grade	48	2
6th Grade	37	13
TOTAL	338	27



	Special Populations	
MLL	83	25%
Special Education	60	17%

Understanding Our 49 Student Withdrawals

32 FAMILIES | 49 STUDENTS | 2024–2025

This analysis shows where students went, why families left, and what it means for our next steps. The data helps us focus our retention efforts on the areas with the greatest opportunity.

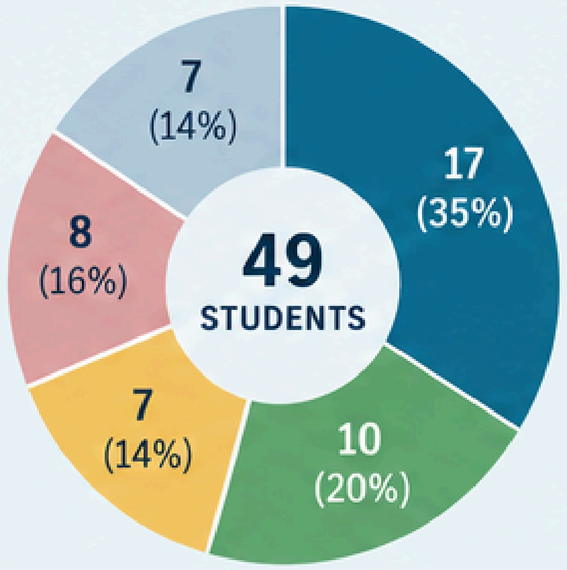
WHERE OUR STUDENTS WENT

32 FAMILIES | 49 STUDENTS

Destination	Families	Students	% of Students
Early Light	5	10	20%
Out of State (OOS)	6	8	16%
Homeschool	3	5	10%
Herriman	2	4	8%
SLA	2	4	8%
Aspen	3	3	6%
Blackridge	2	3	6%
Foothills	2	3	6%
Mountain Sunrise	1	2	4%
Providence Hall	1	2	4%
Alta View	1	1	2%
Copper Canyon	1	1	2%
Golden Fields	1	1	2%
Mountain Shadows	1	1	2%
Utah Military Academy	1	1	2%
TOTAL	**32**	**49**	**100%**

WHY FAMILIES LEFT

49 STUDENTS



Local Charter Choice
17 students (35%)
(e.g., Early Light, SLA, Providence Hall, Mountain Sunrise, Utah Military Academy)

Local District Choice
10 students (20%)
(e.g., Aspen, Foothills, Herriman, Golden Fields, Copper Canyon)

Homeschool
7 students (14%)

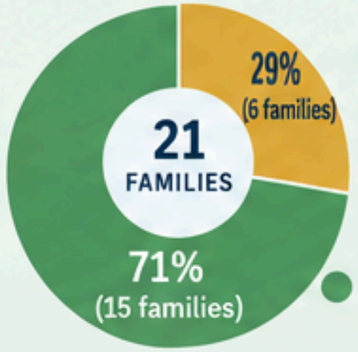
Moved (local or changed district)
7 students (14%)
(e.g., Alta View, Blackridge, Mountain Shadows)

Moved Out of State
8 students (16%)

69% OF WITHDRAWALS WERE LOCAL CHOICE DECISIONS

34 of 49 students remained in the local area but selected another educational option. 15 students (31%) left due to a move.

6TH GRADE GRADUATION TRANSITION



When a 6th grader graduated, 21 families had younger siblings at our school.

- **15 families (71%)** kept younger siblings at AAA (15 students remained)
- **6 families (29%)** moved younger siblings (9 students left)

9 of the 49 students who left (18%) were younger siblings in families with a graduating 6th grader.

All 6 of these families **remained local** and chose another educational option.

WHAT THIS MEANS FOR OUR NEXT STEPS

1. **COMPETE EFFECTIVELY FOR LOCAL CHARTER FAMILIES**
   17 students (35%) chose another charter school, with Early Light receiving 10 of those students. Understand what these families value.
2. **FOCUS ON 6TH GRADE TRANSITION FAMILIES**
   6 of 21 families (29%) moved younger siblings when a 6th grader graduated. These families can be identified in advance for targeted retention efforts.
3. **LEARN FROM HOMESCHOOL DECISIONS**
   7 students (14%) chose homeschooling. Conduct exit conversations to understand their needs and whether there are opportunities to better support them.
4. **MONITOR MOBILITY TRENDS**
   15 students (31%) left due to a move. Continue tracking mobility to distinguish between unavoidable and addressable attrition.

KEY TAKEAWAYS

69%
34 of 49 students remained in the local area but chose another educational option.

31%
15 of 49 students left due to family relocation (moved locally, changed districts, or out of state).

29%
6 of 21 families with a graduating 6th grader moved their younger children, resulting in **9** students leaving.

ONE SCHOOL DID NOT DRIVE OUR LOSSES
Students went to 15 different destinations, with Early Light being the largest single school.

AAA ATTENDANCE DATA

Continuing the discussion about a 4-day school week

2026-2027 ABSENCE & TARDY RATES

Day	Total Records	Absences	Absence Rate	Tardies	Tardy Rate
Monday	1,695	110	6.5%	61	3.6%
Tuesday	2,032	101	5.0%	67	3.3%
Wednesday	2,032	120	5.9%	82	4.0%
Thursday	2,022	111	5.5%	99	4.9%
Friday	1,696	165	9.7%	75	4.4%
Total	9,477	607	6.4%	384	4.1%

Four-Day School Week Consideration

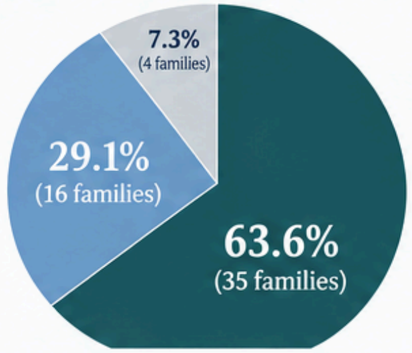
WHAT OUR DATA TELLS US

Two independent data points show strong support for exploring a four-day school week at AAA.

1 PARENT SURVEY: SCHEDULE PREFERENCE

Conducted April 2026 | 55 family responses

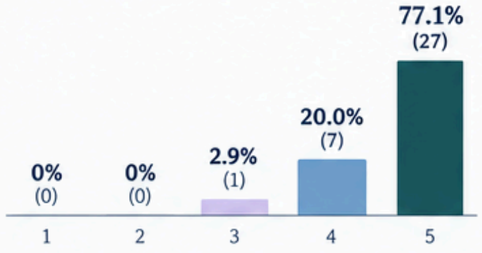
PREFERRED SCHOOL SCHEDULE



Four-day week (Mon–Thu)	63.6%
Traditional five-day week	29.1%
No preference	7.3%

STRONG SUPPORT AMONG FOUR-DAY PREFFEERS

97.1% rated their support a 4 or 5 (average 4.74 out of 5).



TOP BENEFITS IDENTIFIED BY FAMILIES

(of 35 families who preferred a four-day week)

- **86%** (30 of 35) More family time
- **80%** (28 of 35) Better student rest and well-being
- **49%** (17 of 35) Fewer weekly transitions
- **29%** (10 of 35) Longer learning blocks

2 CURRENT YEAR ATTENDANCE DATA

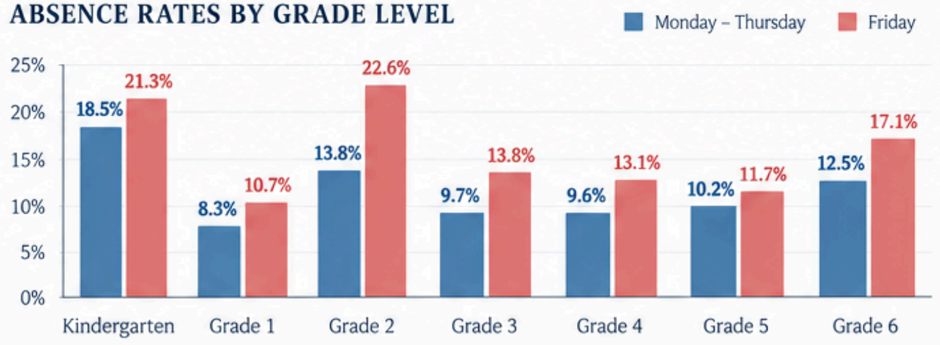
August 17 – September 24, 2026 | 9,477 attendance records

12.0%
ABSENCE RATE MONDAY–THURSDAY
930 absences out of 7,781 attendance records

15.7%
ABSENCE RATE ON FRIDAY
267 absences out of 1,696 attendance records

32%
HIGHER RISK OF ABSENCE ON FRIDAY
Students are 32% more likely to be absent on Friday than on a typical Monday–Thursday.

ABSENCE RATES BY GRADE LEVEL



KEY TAKEAWAYS

- A majority of responding families (64%) prefer a four-day school week, with very strong support among those families.
- Friday attendance is significantly lower than Monday–Thursday, with a 32% higher risk of absence across all grade levels.
- These two independent data points suggest our current Friday instructional model is less effective and that there is meaningful family interest in a four-day schedule.

Proposed Next Steps

EXPLORING A FOUR-DAY SCHOOL WEEK AT AAA

These next steps will provide the information needed to determine if a four-day school week is a good fit for AAA.

1

LEARN FROM OTHER SCHOOLS

Connect with leaders at Spectrum Academy and American Leadership Academy to understand their experience with a four-day school week.

TOPICS TO EXPLORE:

- Calendar structure
- Implementation process
- Family response and enrollment
- Teacher recruitment/retention
- Academic outcomes
- Intervention supports
- Childcare solutions
- Lessons learned

2

MEET WITH USBE

Confirm the current four-day-week waiver process and requirements.

INFORMATION TO GATHER:

- Waiver application process
- Instructional time requirements (days or equivalent hours)
- Required stakeholder engagement
- Timeline and key deadlines (e.g., April 10)
- Specific data and documentation required for submission

3

DEVELOP AN AAA-SPECIFIC ANALYSIS

If the Board is open to further discussion, we will conduct a more detailed analysis for AAA.

POTENTIAL AREAS OF ANALYSIS:

- Calendar options and instructional hour calculations
- Friday intervention model (Tier 2 & Tier 3)
- Childcare/enrichment options (e.g., partnership with The Sneaker Club)
- Staffing and operational implications
- Family impact and enrollment potential
- Teacher retention and recruitment
- Financial considerations

4

RETURN TO THE BOARD FOR FURTHER DISCUSSION

Bring our findings and recommendations back to the next Board meeting so the Board can determine whether there is enough evidence and interest to continue toward a formal proposal.

DELIVERABLES:

- Summary of what we learned from other schools
- USBE requirements and timeline
- AAA-specific calendar and model options
- Data analysis and projected impact
- Recommendations for next steps

Decision Requested Tonight

Does the Board support administration investing additional time in exploring a four-day school-week model for AAA?

This is not a request to approve a four-day school week.
It is simply a request for direction on whether the Board would like administration to conduct further research and return with findings.

How Do We Make AAA the Clear Choice?

With more charter and district options in our area, we want to continue to grow enrollment and ensure AAA remains a top choice for families.



POTENTIAL AREAS TO EXPLORE TO STRENGTHEN ENROLLMENT

PROGRAMMING & OPPORTUNITIES

- Unique arts programs and performances
- After-school clubs and enrichment
- Expanded student leadership opportunities

MARKETING & STORYTELLING

- Highlight what makes AAA unique
- Share student stories and success
- Increase community visibility and events

FAMILY SUPPORT & EXPERIENCE

- Welcoming, supportive school culture
- Clear communication
- Family engagement events and resources
- Childcare/partnership opportunities

ACADEMIC EXCELLENCE

- Strong core instruction
- Data-informed supports
- Intervention and enrichment options
- Continued focus on teacher clarity and student growth

REPUTATION & RECOGNITION

- Celebrate awards, accomplishments, and successes
- Build relationships with community partners
- Leverage alumni and current family advocacy

Board Support & Input Requested

We value your insight and ask for your support as we explore additional ideas and strategies to make AAA stand out and continue to grow our enrollment.

1. What ideas or opportunities do you see that would help AAA differentiate itself in our community?
2. Are there partnerships, programs, or resources we should explore?
3. How can the Board best support these efforts?

LITERACY NIGHT



















STAR STUDENT BREAKFAST













ADVANTAGE ARTS ACADEMY

Annual Fundraiser

CARNIVAL!

Friday, October 16
4:00 – 6:00 PM

Advantage Arts Academy

TRUNK OR TREAT • INFLATABLE OBSTACLE COURSE • FACE PAINTING
GAMES • BALLOON ANIMALS • CONCESSIONS • AND MORE!

$15 STUDENT WRISTBAND
(PRE-ORDER PRICE)

Ages 5–13

Includes unlimited carnival games and attractions!

Wristbands are $20 at the gate.

$5 MEAL VOUCHER

Choose from:



OR



PIZZA MEAL
1 slice pizza
+ chips + drink

NACHO MEAL
nachos + drink

Additional concessions available at the carnival!



CARNIVAL PROCEEDS WILL HELP SEND EACH GRADE LEVEL ON A BONUS FIELD TRIP!

Pre-order using the attached form to save time at the gate!

Pre-Orders due October 14!

Thank you for supporting our school!

Advantage Arts Academy
Statement of Activities

Created on September 10, 2026
For Prior Month

Reporting Book: ACCRUAL
As of Date: 09/10/2026
Location: Advantage Arts Academy

	Annual June 30, 2027	Year-to-Date August 31, 2026	
	Budget	Actual	% of Budget
Net Income			
Income			
Revenue From Local Sources	102,000	15,241	14.9 %
Revenue From State Sources	4,477,393	903,557	20.2 %
Revenue From Federal Sources	215,251	0	0.0 %
Total Income	4,794,644	918,798	19.2 %
Expenses			
Instruction/Salaries	2,048,353	111,614	5.4 %
Employee Benefits	493,532	21,188	4.3 %
Purchased Prof & Tech Serv	465,500	65,431	14.1 %
Purchased Property Services	153,652	19,953	13.0 %
Other Purchased Services	231,720	21,328	9.2 %
Supplies & Materials	301,230	28,988	9.6 %
Property	10,000	0	0.0 %
Debt Services & Miscellaneous	936,033	156,541	16.7 %
Total Expenses	4,640,020	425,043	9.2 %
Total Net Income	**154,624**	**493,755**	**319.3 %**

Advantage Arts Academy
Statement of Financial Position
Created on September 10, 2026
For Prior Month

Reporting Book: ACCRUAL
As of Date: 09/10/2026
Location: Advantage Arts Academy

	Period Ending 08/31/2026	Period Ending 08/31/2025
	Actual	Actual
Assets & Other Debits		
Current Assets		
Operating Cash	1,355,038	919,224
Accounts Receivables	65,635	32
Total Current Assets	1,420,673	919,256
Restricted Cash	125,184	0
Net Assets		
Fixed Assets	12,728,664	12,678,173
Depreciation	(1,352,698)	(1,070,699)
Total Net Assets	11,375,966	11,607,474
Total Assets & Other Debits	**12,921,823**	**12,526,730**
Liabilities & Fund Equity		
Current Liabilities	36,490	3,393
Long-Term Liabilities	12,832,784	12,553,625
Fund Balance	(450,142)	(423,850)
Net Income	502,691	393,562
Total Liabilities & Fund Equity	**12,921,823**	**12,526,730**

Student Success Framework

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

The goal of the school's Plan shall be to improve school performance and student academic achievement. The 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. class size reduction strategies;
7. augmentation of existing programs; or
8. any other strategy reasonably designed to improve school performance or student academic achievement.

Funding received pursuant to the 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

The Plan shall address the school's progress toward statewide literacy proficiency goals in accordance with SB 241 (2026) and State Rule R277-927.

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: October 2, 2017
Revised: October 25, 2023
Reviewed: October 25, 2023

Policy

Advantage Arts Academy (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.

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

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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.

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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.

Bullying and Hazing Policy

Approved: 11.17.2025

Purpose

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

Policy

Prohibited Conduct

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

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

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

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

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

Students and School employees are prohibited from sharing a recording of an act of bullying, cyber-bullying, hazing, abusive conduct, and retaliation in order to impact or encourage future incidents. 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;
(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 Principal.

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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 Principal orally or in writing.

Each report of prohibited conduct shall include:

(1) the name of complaining party;

(2) the name of person subjected to the prohibited conduct (if different than complaining party);

(3) the name of perpetrator (if known);

(4) the date and location of the prohibited conduct; and

(5) a statement describing the prohibited conduct, including names of witnesses (if known).

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

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

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

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

Investigation of Alleged Incidents

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

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 Principal reasonably determines that the alleged incident may have violated criminal law.

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

(1) inform parents or guardians when an investigation is concluded;

(2) inform parents or guardians what safety measures will be in place for their child, as determined by the investigation;

(3) provide additional information about the investigation or the resolution consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g ("FERPA"); and

(4) inform parents or guardians of the School's Parent Grievance Policy if the parents or guardians disagree with the resolution of the investigation.

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

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

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

(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 Principal or his/her designee will timely notify a student's parent or guardian if:

(1) the student threatens suicide; or

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

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

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

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

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

(2) tracks implementation of the action plan addressing the incident, if applicable.

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

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

(1) suicide prevention materials and information as recommended by the Utah State Board of Education in accordance with Utah Code § 53G-9-604(2)(b);

(2) information on ways to limit a student's access to fatal means, including firearms or medication; and

(3) information and resources on the healthy use of social media and online practices as provided in R277-613.

Action Plan to Address Incidents

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

(1) with respect to the targeted student and in direct coordination with the student's parent or guardian:
  (a) a tailored response to the incident that addresses the student's needs;
  (b) a mechanism to consider consequences or accommodations the student may need regarding decreased exposure or interactions with the student who caused the incident;
  (c) notification of the consequences and plan to address the behavior of the student who caused the incident, to the extent allowed by FERPA;
  (d) support measures designed to preserve the student's access to educational services and opportunities; and
  (e) to the extent available, access to other resources the parent requests for the student; and

(2) with respect to the student who caused the incident and in direct coordination with the student's parent or guardian:
  (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 Principal or his/her designee shall oversee the implementation of the action plan, monitor the implementation of the communication plan/requirements within the action plan, and assist the School with case-specific needs when the School is addressing an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct.

Consequences of Prohibited Behavior

If, after an investigation, a student is found to be in violation of this policy by participating in or encouraging conduct prohibited by this policy, the student shall be 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 School Principal orally or in writing. If the School employee is not satisfied with the Principal or designee's investigation of the abusive conduct and/or the resulting disciplinary action (or recommended disciplinary action) against the perpetrator, the School employee may address/raise the issue in accordance with the School's Staff Grievance Policy.

Grievance Process for Parents and Guardians

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

Additional Provisions

The Principal will ensure compliance with OCR regulations when civil rights violations are reported, as follows:

(1) Once the School knows or reasonably should know of possible student-on-student bullying, cyber-bullying, or hazing, the School must take immediate and appropriate action to investigate.

(2) If it is determined that the bullying, cyber-bulling, or hazing of a student did occur as a result of the student's membership in a protected class, the School shall take prompt and effective steps reasonably calculated to:
(a) end the bullying, cyber-bullying, or hazing;
(b) eliminate any hostile environment; and
(c) prevent its recurrence.

(3) These duties are the School's responsibilities even if the misconduct is also covered by a separate anti-bullying policy and regardless of whether the student makes a complaint, asks the School to take action, or identifies the bullying, cyber-bullying, or hazing as a form of discrimination.

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

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

If the Principal believes that it would be in the best interests of the individuals involved, the Principal may involve the parents or guardians of a student who was subjected to or

a student who caused hazing, bullying, cyber-bullying, or retaliation in the process of responding to and resolving conduct prohibited by this policy.

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

Student Assessment

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

Training

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

(1) bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

(2) discrimination under the following federal laws:
  (a) Title VI of the Civil Rights Act of 1964;
  (b) Title IX of the Education Amendments of 1972;
  (c) Section 504 of the Rehabilitation Act of 1973; and
  (d) Title II of the Americans with Disabilities Act of 1990;

(3) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;

(4) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon race, color, national origin, sex, disability, or religion;

(5) the right of free speech and how it differs for students, employees, and parents or guardians; and

(6) safe digital citizenship.

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

The training shall be offered to:

(1) new school employees, coaches, and volunteers within the first year of employment or service;

(2) all School employees, coaches, and volunteers at least once every three years after the initial training; and

(3) all students (regardless of whether they are involved in athletics or extracurricular activities or clubs) at a frequency determined by the Principal.

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

Liaison to Utah State Board of Education

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

Distribution of Policy and Signed Acknowledgement

The School will inform students, parents or guardians, School employees, and volunteers that hazing, bullying, cyber-bullying, abusive conduct, and retaliation are prohibited by distributing a copy of this policy to such individuals annually. A copy of this policy will also be posted on the School's website and included in any student conduct or employee handbooks issued by the School.

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;

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(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.

Capitalization and Expense Policy

Adopted: October 2, 2017
Revised: August 29 2022

Purpose

The purpose of this policy is to allow for accounting to depreciate rather than expense qualified inventory items.

Policy

Items, including associated components necessary to use the item, which (a) have a fair market value over $10,000.00 and (b) have a useful life of more than three (3) years shall be depreciated rather than expensed. The period of time items will be depreciated will be based on the length of the item's useful life.

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Electronic Resources Policy

Adopted: October 2, 2017
Revised: November 4, 2019
Renewed: June 1, 2020
Renewed: June 20, 2022
Renewed: June 26, 2023

Purpose

Advantage Arts Academy (the "School") recognizes the value of computer and other electronic resources to facilitate student learning and help the School's employees accomplish the School's mission. The School has therefore made substantial investments to establish a network and provide various electronic resources for its students' and employees' use. Because of the potential harm to students and the School from misuse of these resources, the School requires the safe and responsible use of computers; computer networks, including e-mail and the Internet; and other electronic resources. This policy is intended to ensure such safe and responsible use and to comply with Utah Administrative Rule R277-495, Utah Code § 53G-7-227, Utah Code § 53G-7-1001 *et seq*., the Children's Internet Protection Act, and other applicable laws.

Electronic Devices

The School recognizes that various forms of electronic devices are widely used by both students and employees and are important tools in today's society. The School seeks to ensure that the use of electronic devices, both privately-owned devices and devices owned by the School, does not cause harm or otherwise interfere with the learning, safety, or security of students or employees. The Principal shall therefore establish reasonable rules and procedures regarding the use of electronic devices at School and School-sponsored activities in compliance with applicable laws.

Internet Safety

It is the School's policy to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act (section 254(h) of title 47, United States Code). The Principal shall establish rules and procedures to accomplish these objectives and ensure compliance with applicable laws.

Student Acceptable Use of School Electronic Resources

The School makes various electronic resources available to students. These resources include computers and other electronic devices and related software and hardware as well as the School's network and access to the Internet. The School's goal in providing such electronic resources to students is to enhance the educational experience and promote the accomplishment of the School's mission.

Electronic resources can provide access to a multitude of information and allow communication with people all over the world. Along with this access comes the availability of materials that may be considered inappropriate, unacceptable, of no educational value, or even illegal.

The Principal shall ensure that rules and procedures regarding students' use of the School's electronic resources are established and clearly communicated to students and their parents/guardians. The Principal will ensure that safeguards are in place to restrict access to inappropriate materials and that the use of the Internet and other electronic resources is monitored. The Principal shall ensure that students receive appropriate training regarding these rules and procedures.

Staff Acceptable Use of School Electronic Resources

Improper use of the School's electronic resources by employees has the potential to negatively impact students, damage the School's image, and impair the School's electronic resources. Therefore, this policy is intended to govern employees' and volunteers' use of the School's electronic resources, and employees must agree to these terms as a condition of employment. The Principal shall establish rules and procedures regarding employees' use of the School's electronic resources.

Availability of Rules and Procedures

The Principal shall ensure that all rules and procedures established pursuant to this policy are available for review at the School.

Review and Approval

This policy will be reviewed and approved at least every three years to ensure that it continues to meet the School's needs.

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Enrollment and Lottery Policy

Adopted: October 2, 2017
Revised: _____

Purpose

Advantage Arts Academy (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

Application

Students will apply for admission to the School electronically.

Deleted: or by completing a paper application provided by the School to be placed into an electronic database

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, as determined by the Principal, 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.

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 Principal'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 or grandchildren of any founding parents. Founding parents are those individuals that have made a significant contribution to the establishment of the charter as determined by the Board of Directors. Founder status will not be conferred based on donations made to the School.

Preferential enrollment will next be given to the children or grandchildren of the Board of Directors.

Preferential enrollment will next be given to siblings of students currently or previously enrolled in the School.

Preferential enrollment will be given next to children of School employees.

Preferential enrollment will be given next to students who reside within a two-mile radius of the School and whose school of residence is at capacity.

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").

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.

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Deleted: Students enrolled under the first and third 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. ¶
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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 recission 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: October 2, 2017
Revised: March 22, 2021
Reapproved: February 28, 2022
Reapproved: March 20, 2023
Revised: September 23, 2024
Revised:

Purpose

Advantage Arts Academy (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 principal (the "Principal") 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.

"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; or
  - (ii) 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.

"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.

“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.

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.

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

Fees for Classes & Activities During the Regular School Day

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."

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 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.

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.

Activities that use the School facilities outside the regular school day but are not provided, sponsored, or supported by the School (i.e., 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.

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 an 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 Principal 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 such 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.

School Fee Collections & Accounting Procedures

It is the responsibility of the Principal 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 Principal. 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 Principal or a designee will administer this policy and 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 McKenney-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 Principal 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 Principal 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 Principal to discuss the parent's concerns. If, after meeting with the Principal, 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 Principal 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.

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 a student 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 Principal, 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 Principal 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 Policy

Adopted: October 2, 2017
Revised: _____

Purpose

The purpose of this policy is to ensure that Advantage Arts Academy (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.

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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.

Paid Parental, Postpartum Recovery, Adoption, and Foster Leave

In accordance with Utah Code § 53G-11-209, the School offers qualified employees paid parental leave, postpartum recovery leave, adoption leave, and foster leave.

Definitions

For purposes of this policy:

"Adoption leave" means paid leave hours the School provides to an adoption leave eligible employee.

"Adoption leave eligible employee" means a School employee who:
(a) receives regular paid personal time off (PTO) benefits from the School; and
(b) is legally adopting a young child, unless the employee is the spouse of the young child's pre-existing parent.

"Child" means an individual younger than 18 years old.

"Foster leave" means paid leave hours the School provides to a foster leave eligible employee.

"Foster leave eligible employee" means a School employee who:
(a) receives regular paid personal time off (PTO) benefits from the School; and
(b) is the foster parent of a child.

"Parental leave" means paid leave hours the School provides to a parental leave eligible employee to bond with a child or incapacitated adult, including a child or incapacitated adult for whom the parental leave eligible employee is appointed the legal guardian.

"Parental leave eligible employee" means a School employee who receives regular paid personal time off (PTO) benefits from the School and is:
(a) a birth parent as defined in Utah Code § 81-13-101;
(b) legally adopting a child, unless the employee is the spouse of the child's pre-existing parent;
(c) the intended parent of a child born under a validated gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement; or
(d) appointed the legal guardian of a child or incapacitated adult.

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

"Postpartum recovery leave eligible employee" means a School employee who:
(a) receives regular paid personal time off (PTO) benefits from the School; and
(b) gives birth to a child.

"Qualified employee" means:
(a) a parental leave eligible employee;

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(b) a postpartum recovery leave eligible employee;
(c) an adoption leave eligible employee; or
(d) a foster leave eligible employee.

"Qualified leave" means:
(a) parental leave;
(b) postpartum recovery leave;
(c) adoption leave; or
(d) foster leave.

"Retaliatory action" means to do any of the following regarding an employee:
(a) dismiss the employee;
(b) reduce the employee's compensation;
(c) fail to increase the employee's compensation by an amount to which the employee is otherwise entitled to or was promised;
(d) fail to promote the employee if the employee would have otherwise been promoted; or
(e) threaten to take an action described immediately above.

"Young child" means an individual younger than six years old.

Postpartum Recovery Leave

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

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Postpartum recovery leave as described above:
(a) shall be used starting on the day on which the postpartum recovery leave eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary;
(b) shall be used in a single continuous period, unless otherwise authorized in writing by the Principal; and
(c) runs concurrently with FMLA leave, if applicable to the postpartum recovery leave eligible employee.

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

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Parental Leave

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The School allows a parental leave eligible employee to use up to 15 contracted workdays of parental leave for:
(a) the birth of the parental leave eligible employee's child;
(b) the adoption of a child; or
(c) the appointment of legal guardianship of a child or incapacitated adult.

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Parental leave as described above:

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

A parental leave eligible employee's parental leave does not increase if the parental leave eligible employee:
(a) has more than one child born from the same pregnancy;
(b) adopts more than one child; or
(c) is appointed legal guardian of more than one child or incapacitated adult.

A parental leave eligible employee may not use more than 15 contracted workdays of parental leave within a single 12-month period, regardless of whether during that 12-month period the parental leave eligible employee:
(a) becomes the parent of more than one child;
(b) adopts more than one child; or
(c) is appointed legal guardian of more than one child or incapacitated adult.

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Adoption Leave

The School allows an adoption leave eligible employee to use up to 15 contracted workdays of adoption leave for adopting a young child, unless the employee is the spouse of the young child's pre-existing parent.

Adoption leave as described above:
(a) may not be used before the day on which the adoption leave eligible employee adopts a young child;
(b) may not be used more than six months after the date described immediately above;
(c) shall be used in a single continuous period, unless:
    (1) by mutual written agreement between the School and the adoption leave eligible employee; or
    (2) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the young child;
(d) runs concurrently with FMLA leave, if applicable to the adoption leave eligible employee; and
(e) runs consecutively to parental leave taken for the adoption of a child.

An adoption leave eligible employee's adoption leave does not increase if an adoption leave eligible employee adopts more than one young child. Accordingly, an adoption leave eligible employee may not use more than 15 contracted workdays of adoption leave within a single 12-month period, regardless of whether during that 12-month period the adoption leave eligible employee adopts more than one young child.

If a young child is legally adopted by two adoption leave eligible employees, the adoption leave eligible employees are entitled to use a single 15-contracted-workday period of adoption leave, which the employees may allocate between themselves. Adoption leave eligible employees who intend to allocate adoption leave as described in this paragraph shall provide notice of this intent in the manner and before the deadline described in the "Notice of Plan to Take Leave" section below.

Foster Leave

The School allows a foster leave eligible employee to use up to 20 contracted workdays of foster leave for the placement of a foster child in the employee's care.

Foster leave as described above:

(a) may not be used before the day on which a child is placed in foster care with a foster leave eligible employee;
(b) may not be used more than six months after the date described immediately above;
(c) may not be used after the child is no longer placed in foster care with the foster leave eligible employee;
(d) may be used intermittently; and
(e) runs concurrently with FMLA leave, if applicable to the foster leave eligible employee.

A foster leave eligible employee's foster leave does not increase if a foster leave eligible employee has more than one child placed in foster care with the foster leave eligible employee. Accordingly, a foster leave eligible employee may not use more than 20 contracted workdays of foster leave within a single 12-month period, regardless of whether during that 12-month period more than one child is placed in foster care with the foster leave eligible employee.

If a child is placed in foster care with two foster leave eligible employees, the foster leave eligible employees are entitled to use a single 20-contracted-workday period of foster leave, which the employees may allocate between themselves. Foster leave eligible employees who intend to allocate foster leave as described in this paragraph shall provide notice of this intent in the manner and before the deadline described in the "Notice of Plan to Take Leave" section below.

A qualified employee may not use:

(a) both foster leave and parental leave with respect to the same child; or
(b) both foster leave and adoption leave with respect to the same young child.

Leave Period

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The maximum amount of postpartum recovery leave available to qualified employees under this policy is three calendar weeks. Any non-contracted workdays (such as weekends, holidays, days

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during summer break, etc.) that occur after a qualified employee's postpartum recovery leave has begun count toward the three-calendar-week leave period.

The maximum amount of parental leave available to qualified employees under this policy is 15 contracted workdays. Weekends, holidays, and other non-contracted workdays that occur after a qualified employee's parental leave has begun do not count toward the 15-contracted-workday leave period, except that non-contracted workdays (Monday through Friday) occurring during an employee's summer break count toward the 15-contracted-workday leave period.

The maximum amount of adoption leave available to qualified employees under this policy is 15 contracted workdays. Weekends, holidays, and other non-contracted workdays that occur after a qualified employee's adoption leave has begun do not count toward the 15-contracted-workday leave period, except that non-contracted workdays (Monday through Friday) occurring during an employee's summer break count toward the 15-contracted-workday leave period.

The maximum amount of foster leave available to qualified employees under this policy is 20 contracted workdays. Weekends, holidays, and other non-contracted workdays that occur after a qualified employee's foster leave has begun do not count toward the 20-contracted-workday leave period, except that non-contracted workdays (Monday through Friday) occurring during an employee's summer break count toward the 20-contracted-workday leave period.

Notice of Plan to Take Leave

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

(a) begin using qualified leave; and
(b) stop using qualified leave.

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

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

Other Leave

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

Employee Benefits During Leave

During the time a qualified employee uses qualified leave, the qualified employee shall continue to receive all employment related benefits and payments at the same level that the qualified

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employee received immediately before beginning the qualified leave, provided that the qualified employee pays any required employee contributions.

Employee Position after Leave

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

(a) the position that the qualified employee held before using qualified leave; or

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

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

Retaliatory Action

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

Part-Time Qualified Employees

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

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Procurement Policy

Adopted: June 19, 2017
Revised: June 20, 2022

Policy

Advantage Arts Academy (the "School") will follow applicable state and federal laws in connection with the procurement of services, supplies and equipment, including but not limited to the provisions of the Utah Procurement Code at Utah Code § 63G-6a-101, *et seq.* and the administrative rules in Title R33 of the Utah Administrative Code.

Procurement Processes

The School will follow the procurement processes below unless an exception applies.

Quotes or Bids Not Required

No procurement process is required for purchases of items up to $5,000. The School may make such purchases from any vendor without obtaining competitive bids or quotes. However, the School may only purchase up to $10,000 worth of items each costing $5,000 or less from one vendor at one time without obtaining competitive bids or quotes. The School may also only purchase up to $50,000 worth of items each costing $5,000 or less from one vendor during one year without obtaining competitive bids or quotes.

Quotes or Bids Required

For small purchases as defined in R33-105, which will typically include purchases of items between $5,000.01 and $50,000 other than professional services or construction projects, the School will determine minimum specifications, provide the specifications to multiple vendors, obtain at least two competitive bids or quotes that include minimum specifications and purchase from the responsible vendor offering the lowest bid or quote meeting the specifications. The School will also record and maintain as a governmental record the names of the vendors offering bids or quotes and the date and amount of each bid or quote.

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Formal Procurement Process Necessary

For purchases of items over $50,000 other than professional services or construction projects, the School will conduct a formal procurement process, such as an Invitation for Bids or a Request for Proposals.

Professional Services

For small purchases of professional service providers and consultants as defined in R33-105, which will typically include purchases of such services up to $100,000 per project, the School will first review the qualifications of at least three companies, firms, providers, and/or individuals; rank them from highest to lowest; begin direct negotiation with the highest ranked; and if an agreement cannot be reached with the highest ranked, move to the next highest until an agreement is reached. Obtaining competitive bids or quotes for the above-described small purchases is not required.

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For small purchases of design professional services as defined in R33-105, which will typically include purchases of such services up to $100,000 per project, the School will first review the qualifications of at least three design professional firms and then select one through direct negotiation. The School will also include minimum specifications when doing a small purchase of design professional services as defined in R33-105. Obtaining competitive bids or quotes for the above-described small purchases is not required.

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However, if the cost of a professional service provider's, consultant's, or design professional's services exceeds $100,000, the School will conduct a formal procurement process for such services, such as an Invitation for Bids or a Request for Proposals.

Construction Projects

For small purchases of construction projects as defined in R33-105, the School may procure a small construction project up to $25,000 from a contractor without obtaining competitive bids or quotes after documenting that all building code approvals, licensing requirements, permitting, and other construction related requirements are met. When procuring a small construction project costing between $25,000.01 and $100,000, the School will obtain at least two competitive bids or quotes that include minimum specifications and will award the project to the contractor with the lowest bid or quote that meets the specifications after documenting that all applicable building code approvals, licensing requirements, permitting, and other construction related requirements are met.

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The School will include minimum specifications when doing a small purchase of a construction project as defined in R33-105. Contractors selected by the School to do a small construction project must certify that they are capable of meeting the minimum specifications of the project.

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If the cost of a construction project exceeds $100,000, the School will conduct a formal procurement process, such as an Invitation for Bids or a Request for Proposals.

Other Requirements

The School will not artificially divide purchases or otherwise take steps in order to avoid the requirement to obtain competitive bids or quotes or conduct a formal procurement process.

School personnel will comply with the provisions of the Procurement Code prohibiting the acceptance of gratuities or kickbacks from vendors during the procurement process. The School's contracts with vendors, including any renewal or extension periods, will not have a term that is longer than five years unless an exception applies or the School complies with the requirements of the Procurement Code governing any contract with a term that is longer than five years.

The School will comply with the requirements of the Procurement Code in connection with any construction or real property improvements undertaken by the School.

When entering into a contract, the School will ensure that the contract includes appropriate language regarding the scope of work to be performed, adequately addresses any applicable federal requirements, and includes language regarding data privacy and use, where appropriate. The School will ensure that the appropriate legal review of contract language is performed prior to entering into the contract.
When the School uses federal grant funds to procure goods or services, the School will comply with applicable federal law and regulations, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200. To the extent federal procurement requirements are more restrictive than Utah law or this policy, the more restrictive federal requirements shall govern the procurement of goods or services purchased with federal grant funds. Any alleged violations of this policy or applicable law shall be reported in writing to the School's Director or Board of Directors.

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Review

The School shall review this policy annually.

Religion and Education Policy

Adopted: October 2, 2017
Revised: March 18, 2024

Purpose

It is the policy of Advantage Arts Academy (the "School") to recognize, protect, and accommodate the rights of religious practice and expression guaranteed by state and federal laws and by the constitutions of Utah and the United States.

The purpose of this policy is to help School personnel protect and accommodate individual religious belief and rights of conscience in the School.

Policy

The School's Board of Directors expects School personnel to foster mutual understanding and respect for all individuals and beliefs. Study about religion is an important part of a complete education and is necessary to achieving an understanding of history, societies, and cultures throughout the world. School curricula – including activities, discussions, assignments, displays, and performances – may refer to religious thought and expression, provided such references are designed to achieve specific educational objectives.

School personnel should neither promote nor disparage any religious, agnostic or atheistic belief or religion in general. Teaching about religion should be objective, thus avoiding any implication that religious doctrines have the endorsement of school authority. School personnel should recognize that religious holidays are observed in various ways, or not observed at all, based upon the influence of ethnic tradition, family style, or religious conviction.

The School shall ensure that:

(a) a student may express the student's beliefs about religion in homework, artwork, and other written or oral assignments free from discrimination based on the religious perspective of the student's submissions; and
(b) home and classroom work is:
    (i) not penalized or rewarded on the basis of religious perspective; and
    (ii) judged by ordinary academic standards of substance, relevance, and other legitimate pedagogical objectives; and
(c) notification of the constitutional freedoms described in this Policy is provided to school officials, employees, and students.

Students may refrain from participation in any aspect of school that violates a religious belief or right of conscience of the student or of the student's parent or guardian.

The School shall not, in any aspect of school:

(a) require or incentivize a student to affirm or deny the student's or the student's parent or guardian's religious belief or right of conscience;
(b) engage a student in a practice that violates or is contrary to the student's or the student's parent or guardian's religious belief or right of conscience; or
(c) penalize or discriminate against a student for refraining from participation due to the student's or the student's parent or guardian's religious belief or right of conscience.

A student's parent or guardian may waive the student's participation in any aspect of school (e.g., activities, discussions, and assignments) that the parent or guardian feels would violate the parent or guardian's or the student's right of conscience or religious belief. Such waivers must be communicated in a timely manner to the appropriate School authorities.

The School's Principal will adopt administrative procedures to implement this policy.

Sex Education Instruction Policy

Adopted: October 2, 2017 (Human Sexuality Instruction Policy)
Revised: November 4, 2019
Reviewed: April 22, 2024

Purpose

The purpose of this policy is to ensure that any sex education instruction or instructional program taught at Advantage Arts Academy (the "School") is compliant with state law.

Policy

The School will comply with applicable state law regarding the presentation of sex education instruction or instructional programs.

"Sex education instruction or instructional programs" means any course material, unit, class, lesson, activity or presentation that, as the focus of the discussion, provides instruction or information to students about: sexual abstinence, human development, including conception, fetal development, pregnancy, and birth; human reproductive anatomy and physiology; healthy dating practices, marriage, and parenthood, in accordance with the success sequence as defined in Utah Code § 53G-10-402; adoption in accordance with Utah Code § 53G-10-404; information about contraceptive methods or devices in accordance with Utah Code § 53G-10-402(2)(b) and (c); chronic, infectious, and acute diseases and conditions of the reproductive system, including sexually transmitted infections and diseases; or refusal skills, as defined in Utah Code § 53G-10-402. While these topics are most likely discussed in courses such as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this policy applies to any course or class in which these topics are the focus of discussion.

The Principal shall establish administrative procedures to help the School comply with the requirements related to sex education instruction or instructional programs under Utah law.

Review

Every two years the Board of Directors will (a) review this policy; and (b) review data for the county in which the School is located regarding teen pregnancy, child sexual abuse, sexually transmitted diseases and sexually transmitted infections, and the number of pornography complaints or other instances reported in the School.

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Student Conduct and Discipline Policy

Adopted: October 2, 2017
Revised: October 26, 2020
Reviewed: June 20, 2022
Amended: March 18, 2024
Approved: August 22, 2024
Amended: January 20, 2026

1. PURPOSE, BELIEFS, AND PHILOSOPHY

1.1 Purpose

The purpose of Advantage Arts Academy'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 school days may, at the Principal'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 Principal, a Board member, 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 Principal 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 Principal will ensure that any surrendered or confiscated electronic cigarette product is destroyed or disposed of. However, the Principal 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 Principal has the authority to suspend a regular education student for up to ten (10) school days. In considering whether to suspend a student, the Principal 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 Principal 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 Principal 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 expelled 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 Principal, 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 Principal or a teacher or counselor designated by the Principal 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 Principal 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 Principal is authorized to issue notices of disruptive student behavior to 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 Principal 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 Principal 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 Principal 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 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, 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); or

(5) a tobacco cessation or education program if the offense is a violation of § 76-10-105; 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 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 Principal. After receiving such a notification, the Principal shall notify:

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

(ii) other School personnel if the Principal determines that other School personnel should be informed; and

(iii) the student's parent.

The Principal 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 (f) above. The identity of a School employee who notifies the Principal under Subsection (f) above shall be kept confidential, except that the identity of a School 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

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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. § 53G-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 Principal 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 Principal to review the suspension.

8.2 The Principal 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 Principal 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 Principal. 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 Principal, 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 Principal shall first follow the due process procedures set forth in Section 8 above. If, after following the due process procedures in Section 8, the Principal believes that a student should be suspended for more than ten (10) school days or expelled, the Principal may make the initial decision and 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 Principal 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 Principal 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 Principal 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 Principal 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 Principal 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, even though less than a quorum, will conduct the hearing, with or without the help of a hearing officer;

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 Board (even though less than a quorum) 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 Principal's 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 the Board (even though less than a quorum) 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 presiding Board member's or 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 Board (even though less than a quorum) 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 presiding Board member or 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 Board (even though less than a quorum) or hearing officer; and

[d] the Board (even though less than a quorum) or 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 Board or hearing officer.

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 Principal 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 Principal 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 Principal has reason to believe that School rules or policies have been broken, he or she shall proceed with an investigation. However, if the Principal 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 Principal

The Principal 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 Principal shall conduct investigations according to the following general guidelines:

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

14.1.2 The Principal 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 Principal 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 Principal 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 Principal 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 Principal, law enforcement should be notified, the following procedure should be followed:

[a] The Principal 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 Principal shall document the contact or attempted contact with the student's parents. If the Principal cannot contact the student's parent, or if the parent is unable to be present with the student for questioning, the Principal 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 Principal or other designated person before beginning an investigation on School premises.

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

(iii) Alleged criminal behavior related to the School environment brought to the Principal'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 Principal 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 Principal and relate the circumstances necessitating such action.

[e] Whenever the need arises to make arrests or take students into custody on School premises, the Principal 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 Principal shall have the student summoned to the Principal'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 Principal, the School staff present shall encourage the law enforcement officers to tell the Principal of the circumstances as quickly as possible.

If the officers decline to tell the Principal, the School staff members present shall immediately notify the Principal.

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 Principal 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 a Principal's directive to leave the premises.

14.2.6 Investigations of Alleged Drug Offenses

Nothing in this Section or policy prohibits the Principal 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. INVESTIGATION OF CHILD ABUSE AND NEGLECT

Utah law requires that whenever any person, including any School employee, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services.

15.1 The School shall distribute annually to all School employees copies of the School's procedures for reporting suspected child abuse or neglect.

15.2 If there is reason to believe that a child may have been subjected to abuse or neglect, an oral report shall be made immediately by the School employee reporting the abuse/neglect with a written report to follow within twenty-four (24) hours.

15.2.1 When making the oral report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report.

15.2.2 A copy of the written report shall be put in a child abuse-neglect file to be maintained by the Principal, for all reported cases of suspected child abuse or neglect.

15.2.3 The child abuse-neglect reporting form shall not be placed in the student's personal file.

15.3 It is not the responsibility of the Principal or other School employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection.

15.3.1 Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.

15.3.2 To determine whether or not there is reason to believe that abuse or neglect has occurred, professional School employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.

15.3.3 Interviews with the child or suspected abuser shall not be conducted by the Principal or School employees.

15.3.4 Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency.

15.3.5 The Principal, School employees, Division of Child and Family Services and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation.

15.3.6 Investigations are the responsibility of the Division of Child and Family Services.

[a] The Principal or other School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect.

[b] School officials shall cooperate with social service and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect, assisting as asked as members of interdisciplinary child protection teams in providing protective diagnostic, assessment, treatment, and coordination services.

15.3.7 Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune, in accordance with state law, from any civil or criminal liability that otherwise might arise from those actions.

16. 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:

16.1 General Guidelines for Searches of Person or Property

16.1.1 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 16.2 of this policy.

16.1.2 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, controlled substances, electronic cigarette products, alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

16.2 Searches of Personal Belongings

16.2.1 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.

16.2.2 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.

16.3 Searches of Person

16.3.1 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., Principal, 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.

16.4 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:

16.4.1 The time, place and date of the search;

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

16.4.3 The name and title of individuals conducting and observing the search;

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

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

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

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

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

17.1.1 If the President of the Board 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 shall notify the Principal 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 11, 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.

17.1.2 Upon receipt of the information about a student's serious offense (whether from the President of the Board or directly from the juvenile court or law enforcement agency), the Principal 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.

17.1.3 Upon receipt of the information about a student's serious offense or sexual crime (whether from the President of the Board or directly from the juvenile court or law enforcement agency), the Principal shall, if the student is still enrolled in the School, notify staff members who, in the Principal'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.

17.2 Multidisciplinary Team and Reintegration Plan

17.2.1 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 17.1.1 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 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.

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17.2.2 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.

17.2.3 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.

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

17.2.5 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.

17.2.6 The School shall not reintegrate a student when:

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

[b] a student or staff member of the School 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.

17.2.7 The School may elect to not integrate a student into the School 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.

17.2.8 A reintegration plan under this Section is classified as a protected record under 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").

17.2.9 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.

17.3 Students Committing a Serious Offense or Sexual Crime are Subject to

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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.

17.4 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.

17.4.1 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.

17.4.2 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.

18. 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.

18.1 Definitions

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

18.1.2 “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.

18.1.3 “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.

18.1.4 “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.
18.1.5 "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 Principal to utilize an ESI at the School when necessary.

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

18.1.7 "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).

18.1.8 "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.

18.1.9 "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.

18.1.10 "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.

18.1.11 "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.

18.1.12 "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.

18.2 General Procedures

18.2.1 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.

18.2.2 Key Identified School Employees shall receive comprehensive ESI training in addition to 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.

18.2.3 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.

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

Deleted: 18.2.5 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.¶

18.3 Students with Disabilities Receiving Special Education Services

18.3.1 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.

18.3.2 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.

18.4 Physical Restraint

18.4.1 Key Identified School Employees may, in accordance with Section 18.2.3 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.

18.4.2 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.

18.4.3 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.

18.4.4 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.

18.4.5 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 18.4.1. In addition, nothing in this Section prohibits a Key Identified School Employee from subsequently using less restrictive interventions to address circumstances described in Section 18.4.1.

18.4.6 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 Principal and medical personnel shall be notified when warranted.

18.5 Seclusion

18.5.1 A Key Identified School employee may, in accordance with Section 18.2.3 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.

18.5.2 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.

18.5.3 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.

18.5.4 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 Principal and medical personnel shall be notified when warranted.

18.5.5 The Principal 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.

18.5.6 The Principal 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.

18.5.7 The School does not allow the designation of any enclosed area in its building(s) 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.

18.6 Notification of the Use of an ESI

18.6.1 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.

18.6.2 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.

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

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18.7 Documentation of the Use of an ESI

18.7.1 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.

18.7.2 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 restrained that was used.

18.7.3 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.

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

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

18.8 Emergency Safety Intervention (ESI) Committee

18.8.1 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 Principal;

[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.

18.8.2 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.

18.9 ESI Records and Reporting

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

18.9.2 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 18.7.

18.10 Violation of ESI Requirements

18.10.1 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.

18.10.2 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.

19. 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.

20. TRAINING

20.1 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(s), and the School's commitment to a safe and orderly school environment.

20.2 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.

20.3 The Principal shall be responsible for informing students, parents, and staff of the terms of this policy and the Student Conduct and Discipline Plan(s), including the procedures outlined for investigation and resolution of violations.

21. REPORTING ON SUSPENSIONS AND EXPULSIONS

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

21.2 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.

21.3 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).

22. POLICY DISSEMINATION AND REVIEW

22.1 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.

22.2 This policy shall be reviewed as necessary with appropriate revisions recommended to the Board. The data described in Section 21 may be used by the School to evaluate the efficiency and effectiveness of this policy.

Weapons on School Property Policy

Adopted: August 31, 2020
Approved: 01.13.2025
Amended: 09.22.2025

Purpose

The purpose of this policy is to address the possession of dangerous weapons and firearms on Advantage Arts Academy's (the "School") premises by any individual, including but not limited to employees, students, parents/guardians, volunteers, and visitors.

Policy

Definitions

"Dangerous weapon" means (i) a firearm; or (ii) an object that in the manner of its use or intended use is capable of causing death or serious bodily injury. Utah Code § 76-11-101(3).

"Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a device that could be used as a dangerous weapon from which a projectile is expelled by an explosive action. Utah Code § 76-11-101(4).

"Short barreled shotgun" or "short barreled rifle" means a shotgun having a barrel or barrels of fewer than 18 inches in length, or in the case of a rifle, having a barrel or barrels of fewer than 16 inches in length, or a dangerous weapon made from a rifle or shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches. Utah Code § 76-11-101(7), (8).

"On or about school Premises" means, in part, a public or private elementary or secondary school; or on the grounds of any of those schools. Utah Code § 76-11-205(1).

"Concealed firearm" means a firearm that is (i) covered, hidden, or secreted in a manner that the public would not be aware of its presence; and (ii) readily accessible for immediate use. It does not include a firearm that is unloaded and securely encased. Utah Code § 53-5a-101.5(4).

"School Property," for the purpose of this policy, means all property, including buildings, portable buildings, parking lots, fields, parks and other land or structures leased or owned by Advantage Arts Academy.

Dangerous Weapons on School Property

Pursuant to Utah Code § 76-11-205(2), a person may not carry a dangerous weapon openly or in a concealed manner on or about school premises unless an exception in the law applies. Accordingly, a person may not possess or use a dangerous weapon, firearm, short barreled shotgun, or short barreled rifle on School Property or in conjunction with any school activity unless specifically authorized by law. School employees who violate this policy will be subject to disciplinary action, which may include termination.

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Utah law provides that a qualified person may receive "a concealed carry permit allowing the carrying of a concealed firearm for lawful self defense." Utah Code § 53-5a-303(1). Therefore, a holder of a valid concealed carry permit or temporary concealed carry permit that is 21 years old or older is authorized to carry a concealed firearm on School Property. Utah Code § 76-11-205(4)(b), (c).

In addition, in accordance with Utah Code § 76-11-205(4) and Utah Code § 53-5a-108, a person without a concealed carry permit may possess a dangerous weapon, on School Property if:

(a) the possession is approved by the School's Director;
(b) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for the item's possession or use;
(c) the possession is (i) at the person's place of residence or on the person's real property or (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the School or used by the School to transport students;
(d) the person is an armed security guard; or
(e) the person is exempt from certain weapon laws (e.g., the person is a U.S. Marshal, a peace officer, a qualified law enforcement official, etc.).

In accordance with the School's Student Conduct and Discipline Policy and state law, students are prohibited at all times from possession or use of a weapon in or on School Property or in conjunction with any School activity.

Concealed Carry Permit Exceptions and Clarification

As mentioned above, Utah law allows any holder of a valid concealed carry permit to carry a concealed firearm on School Property. However, an individual who has a concealed carry permit may not open carry a firearm on School Property unless the individual is lawfully responding to an active threat or another exception under applicable law applies. Because a concealed firearm must be readily accessible for immediate use, any person who carries a concealed firearm on School Property must keep it on their person at all times and it must be fully concealed unless an exception under applicable law applies. School employees are prohibited from keeping a

concealed firearm in or on any property, fixture, or furniture owned by the School. This includes but is not limited to desks, closets, cabinets, or any other property owned by and located on School Property. If a person carries a concealed firearm in any personal container, bag, briefcase, purse, backpack, etc., that item must be on the person at all times while on School Property. However, notwithstanding the foregoing, the following employees may store and/or carry a firearm on School property, or take other actions, in accordance with the laws referenced below:

(a) the designated School guardian (Utah Code § 53-22-105);
(b) a teacher of the School who is participating in the Educator-Protector Program (Utah Code § 53-22-107); or
(c) the designated School Safety and Security Director (Utah Code § 53G-8-701.8).

School employees who obtain a concealed carry permit do so at their own volition. Any employee's decision to carry or use a dangerous weapon will be the sole responsibility of that person as an individual, and no such action, including any lawful action, is taken as an employee by or on behalf of the School or is otherwise authorized or sanctioned by the School, except for lawful action taken by:

(a) the designated School guardian in accordance with the School guardian program in Utah Code § 53-22-105; and
(b) the designated School Safety and Security Director in accordance with Utah Code § 53G-8-701.8.

Employees who have concealed firearm permits are obligated to have knowledge of and adhere to state and local weapons laws.

Per Utah Code § 53-5a-310(1)(e)(ii), the School may not compel or attempt to compel an individual who has been issued a concealed carry permit to divulge whether the individual (a) has been issued a concealed carry permit or (b) is carrying a concealed firearm.

Similarly, a School employee shall not, and any other person while on School Property shall not, divulge to other School employees, parents/guardians, or students whether he/she (a) has been issued a concealed carry permit or (b) is carrying a concealed firearm unless he/she has first obtained approval from the School's Director to divulge such information.