

Voyage Academy
Board of Directors Meeting
April 14, 2022



Anchor Location: 1891 North 1500 West Clinton, UT 84015

This meeting of the board of directors will be held electronically. If you would like to attend the meeting, accommodations will be made for the public at the anchor location identified.

Time: 6:00PM

Attendees: Trevor Nelson, Blaine Einzinger, Lysie Daley, Evan Nelson, Janae Howell, Courtnie Moore, Danielle Pedersen, Nicole Jones, Roger Simpson, Stacey Phillips, Krystal Taylor

“The mission of Voyage Academy is that through Expeditionary Learning, children will explore Life Skills and gain personal responsibility. As they strive for excellence in the molding of their future, they will become honest, compassionate and respectful seekers of learning.”

AGENDA

CALL TO ORDER

PUBLIC COMMENT (Comments limited to three minutes)

REPORTS

- Executive Report
 - Positive Behavior Plan
- Committee Reports
 - Finance Committee – Blaine Einzinger, Roger Simpson, Trevor Nelson, Nicole Jones, Lysie Daley
 - School Safety Committee – Courtnie Moore, Lysie Daley
 - Marketing Committee – Nicole Jones, Danielle Pedersen, Evan Nelson
 - Board Chair Comments – Trevor Nelson

VOTING ITEMS AND DISCUSSION ITEMS

- Admin End of Year Review Discussion
- Rescind Safe Schools Policy
- Amended Policies:
 - Amended Bullying, Cyber-bullying, Hazing, and Retaliation Policy (to be renamed Bullying, Cyber-bullying, Hazing, Abusive Conduct, and Retaliation Policy)
 - Amended Discipline, Suspension, Expulsion, Parent Notification, & Seclusion and Restraint Policy (to be renamed Student Conduct and Discipline Policy)
 - Amended Voyage Academy Classroom Management and School Discipline Policy (to be renamed Classroom Management and School Discipline Policy)
 - Amended Procurement & Expenditures Policy

CONSENT ITEMS

- March 10, 2022 Board Meeting Minutes

CALENDARING

- Board Meeting May 12, 2022

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 52-4-7.8.

Budget Summary

As of 03/31/22

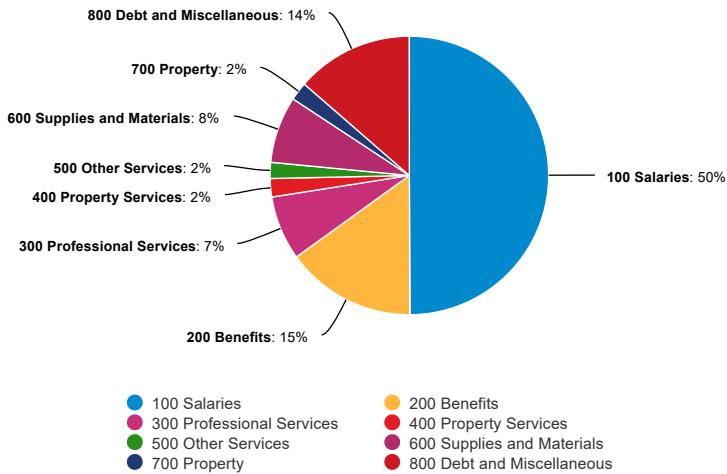
Budget Summary

Category ID	Current Budget	Current Forecast	Current YTD	% Target	% of Forecast
Revenue (3 Categories)					
1000 Local Revenue	53,000	41,556	33,265	75%	80.0%
3000 State Revenue	4,086,695	4,166,829	3,125,242	75%	75.0%
4000 Federal Revenue	404,013	602,081	342,033	75%	56.8%
TOT	4,543,708	4,810,466	3,500,540		
Expense (8 Categories)					
100 Salaries	-2,218,800	-2,242,531	-1,496,852	75%	66.7%
200 Benefits	-750,130	-679,064	-466,522	75%	68.7%
300 Professional Services	-188,150	-354,150	-259,330	75%	73.2%
400 Property Services	-54,400	-94,082	-42,005	75%	44.6%
500 Other Services	-62,800	-83,834	-49,478	75%	59.0%
600 Supplies and Materials	-310,953	-352,761	-249,737	75%	70.8%
700 Property	-30,500	-96,000	-23,482	75%	24.5%
800 Debt and Miscellaneous	-609,347	-610,105	-607,977	75%	99.7%
TOT	-4,225,080	-4,512,527	-3,195,384		
TOT	318,628	297,939	305,156		

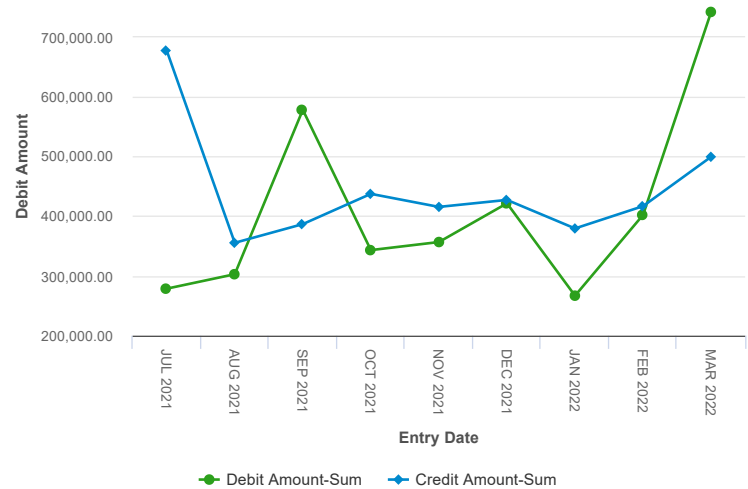
Dashboard Metric Report

Financial Metric	Budget	Forecast
Voyage Academy (4 Financial metrics)		
Net Income	318,628	297,939
Operating Margin	7.01	6.19
Debt Service Ratio	1.61	1.59
Days Cash	195	181

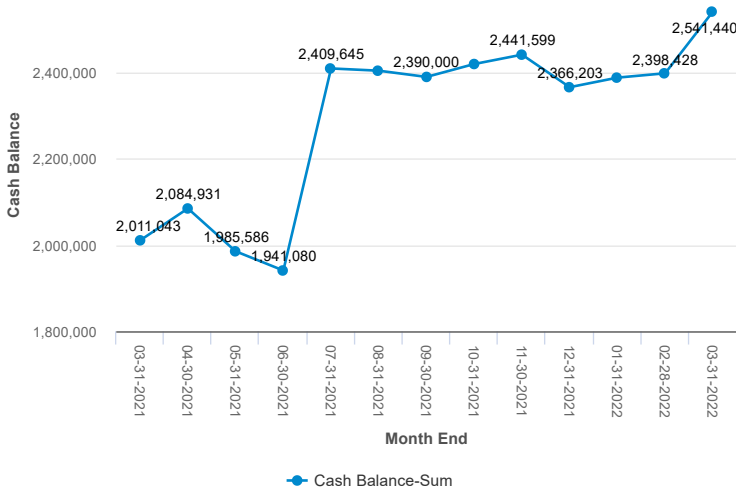
Expense Distribution



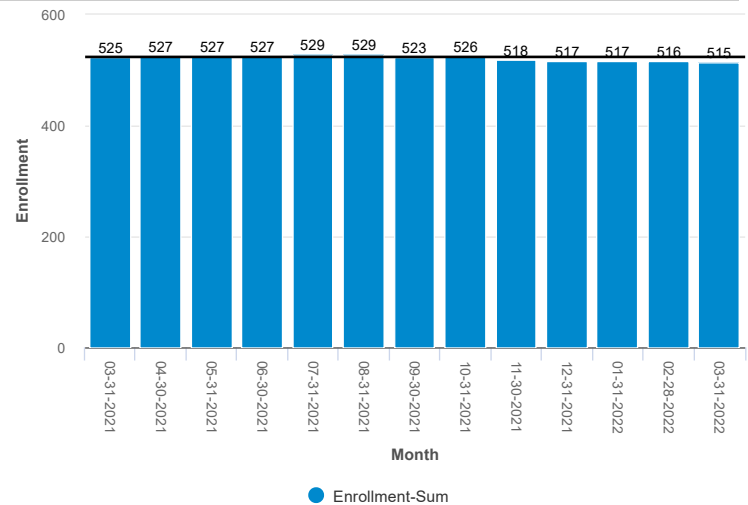
Monthly Trend



Cash Trend



Enrollment Trend



Budget Manager : Accounts | Current Budget

Current Budget

Account ID	Type	Current Budget	Current Forecast	Current Actuals	% Target	% Forecast
Revenue - 1000 Local Revenue (10 Accounts)						
1510 Interest on Investments	Revenue	8,000	6,000	3,943	75%	65.7%
1610 Sales to Students	Revenue	0	18	18	75%	100.0%
1620 Sales to Adults	Revenue	10,000	5,000	3,239	75%	64.8%
1720 Bookstore Sales	Revenue	0	791	791	75%	100.0%
1760 Fines	Revenue	0	49	49	75%	100.0%
1770 Fundraising	Revenue	0	1,042	1,042	75%	100.0%
1790 Other Student Activity	Revenue	18,000	4,000	1,776	75%	44.4%
1920 Contributions and Donations From Private Sources	Revenue	15,000	15,000	14,934	75%	99.6%
1960 Misc. Revenue from Other Local Governments	Revenue	0	7,656	7,388	75%	96.5%
1990 Miscellaneous	Revenue	2,000	2,000	86	75%	4.3%
TOT		53,000	41,556	33,265		
Revenue - 3000 State Revenue (9 Accounts)						
3005 Regular School Programs K	Revenue	156,426	156,426	117,319	75%	75.0%
3010 Regular School Programs 1-12	Revenue	1,551,638	1,550,540	1,164,081	75%	75.1%
3020 Professional Staff	Revenue	126,971	127,053	95,290	75%	75.0%
3100 Retriected Basic School Programs	Revenue	416,016	439,280	326,372	75%	74.3%
3200 Related to the Basic Programs	Revenue	1,480,531	1,480,531	1,110,398	75%	75.0%
3300 Special Populations	Revenue	27,123	32,000	24,048	75%	75.2%
3400 Other Programs	Revenue	124,671	188,000	140,512	75%	74.7%
3500 One-time Funding	Revenue	156,302	142,000	106,203	75%	74.8%
3800 Non-MSP State Revenues (via USBE)	Revenue	47,017	51,000	41,018	75%	80.4%
TOT		4,086,695	4,166,829	3,125,242		
Revenue - 4000 Federal Revenue (9 Accounts)						
4200 Unrestricted Revenue Received From Federal Government Through The State	Revenue	0	64,089	64,089	75%	100.0%
4522 IDEA - B -- Pre-School Disabled (Sec 619)	Revenue	2,782	2,782	0	75%	0.0%
4524 IDEA - B -- Disabled (PL 101-476)	Revenue	135,642	135,642	0	75%	0.0%
4560 Federal Child Nutrition Programs	Revenue	0	112,175	112,175	75%	100.0%
4571 National School Lunch Program	Revenue	21,000	8,685	8,685	75%	100.0%
4572 National School Lunch Program -- Free and Reduced	Revenue	140,000	160,000	98,446	75%	61.5%
4574 Federal School Breakfast Reimbursement	Revenue	40,000	54,000	26,068	75%	48.3%
4579 Other Child Nutrition Programs	Revenue	0	119	119	75%	99.6%
4800 Federal No Child Left Behind	Revenue	64,589	64,589	32,452	75%	50.2%
TOT		404,013	602,081	342,033		
Expense - 100 Salaries (12 Accounts)						
0114 Salaries - School Business Administrator	Expense	-23,731	-23,731	-23,731	75%	100.0%
0121 Salaries - Principals and Assistants	Expense	-361,269	-332,000	-223,609	75%	67.4%
0131 Salaries - Teachers	Expense	-1,205,400	-1,195,400	-779,846	75%	65.2%
0132 Salaries - Substitute Teachers	Expense	-20,000	-20,000	-11,843	75%	59.2%
0143 Salaries - Health Services Personnel	Expense	-14,000	-14,000	-4,554	75%	32.5%
0144 Salaries - Psychological Personnel	Expense	-53,500	-53,500	-35,667	75%	66.7%

Account ID	Type	Current Budget	Current Forecast	Current Actuals	% Target	% Forecast
0145 Salaries - Media Personnel - Licensed	Expense	-35,500	-35,500	-23,433	75%	66.0%
0152 Salaries - Secretarial and Clerical Personnel	Expense	-51,800	-51,800	-32,074	75%	61.9%
0161 Salaries - Teacher Aides and Para-Professionals	Expense	-303,600	-348,600	-250,721	75%	71.9%
0181 Salaries - Operation & Maintenance Supervisors	Expense	-32,800	-32,800	-14,852	75%	45.3%
0182 Salaries - Custodial & Maintenance Personnel	Expense	-17,200	-17,200	-9,898	75%	57.5%
0191 Salaries - Food Services Personnel	Expense	-100,000	-118,000	-86,624	75%	73.4%
TOT		-2,218,800	-2,242,531	-1,496,852		
Expense - 200 Benefits (5 Accounts)						
0220 Social Security	Expense	-168,000	-168,000	-120,787	75%	71.9%
0230 Local Retirement	Expense	-131,250	-131,250	-61,512	75%	46.9%
0240 Group Insurance	Expense	-440,600	-370,000	-275,403	75%	74.4%
0270 Industrial Insurance	Expense	-8,280	-7,814	-7,814	75%	100.0%
0280 Unemployment Insurance	Expense	-2,000	-2,000	-1,005	75%	50.3%
TOT		-750,130	-679,064	-466,522		
Expense - 300 Professional Services (5 Accounts)						
0320 Professional - Educational Services	Expense	-80,000	-84,000	-74,603	75%	88.8%
0330 Professional Employee Training and Development	Expense	-48,000	-48,000	-36,803	75%	76.7%
0340 Other Professional Services	Expense	-4,000	-25,000	-23,270	75%	93.1%
0345 Business Services	Expense	-18,150	-159,150	-89,593	75%	56.3%
0350 Technical Services	Expense	-38,000	-38,000	-35,061	75%	92.3%
TOT		-188,150	-354,150	-259,330		
Expense - 400 Property Services (8 Accounts)						
0411 Water/Sewage	Expense	-4,500	-4,500	-2,682	75%	59.6%
0412 Disposal Service	Expense	-3,700	-5,500	-3,630	75%	66.0%
0430 Repairs & Maintenance Services	Expense	0	-25,000	-11,701	75%	46.8%
0431 Non-Technology Repairs & Maint.	Expense	-33,000	-43,000	-16,228	75%	37.7%
0432 Technology Related Repairs & Maint.	Expense	0	-2,000	-1,202	75%	60.1%
0441 Rental of Land & Buildings	Expense	0	-882	-441	75%	50.0%
0442 Rental of Equipment & Vehicles	Expense	-8,200	-8,200	-6,121	75%	74.6%
0450 Construction Services	Expense	-5,000	-5,000	0	75%	-0.0%
TOT		-54,400	-94,082	-42,005		
Expense - 500 Other Services (6 Accounts)						
0511 Student Transportation Services from Another LEA Within the State	Expense	-15,000	-14,000	-575	75%	4.1%
0518 Student Day Trips/Field Trips (includes Admission Charges)	Expense	0	-1,000	-211	75%	21.1%
0522 Liability Insurance	Expense	-17,000	-17,034	-17,034	75%	100.0%
0530 Communication (Telephone & Other)	Expense	-6,800	-6,800	-5,174	75%	76.1%
0540 Advertising	Expense	-4,000	-15,000	-4,630	75%	30.9%
0580 Travel/Per Diem	Expense	-20,000	-30,000	-21,854	75%	72.8%
TOT		-62,800	-83,834	-49,478		
Expense - 600 Supplies and Materials (11 Accounts)						
0610 General Supplies	Expense	-99,500	-100,000	-70,106	75%	70.1%
0620 Energy	Expense	-4,000	-15,000	-10,935	75%	72.9%
0621 Natural Gas	Expense	-3,000	-3,000	-921	75%	30.7%
0622 Electricity	Expense	-30,000	-35,000	-19,507	75%	55.7%
0630 Food	Expense	-135,000	-150,000	-121,259	75%	80.8%

Account ID	Type	Current Budget	Current Forecast	Current Actuals	% Target	% Forecast
0640 Books	Expense	-2,300	-2,300	-2,043	75%	88.8%
0641 Textbooks	Expense	-25,000	-25,000	-5,287	75%	21.1%
0644 Library Books	Expense	-653	-653	-594	75%	90.9%
0650 Supplies - Technology Related	Expense	0	-6,981	-6,981	75%	100.0%
0670 Software	Expense	0	-1,827	-1,827	75%	100.0%
0680 Maintenance Supplies and Materials	Expense	-11,500	-13,000	-10,278	75%	79.1%
TOT		-310,953	-352,761	-249,737		
Expense - 700 Property (2 Accounts)						
0733 Furniture and Fixtures	Expense	-8,000	-8,000	-290	75%	3.6%
0734 Technology Related Hardware	Expense	-22,500	-88,000	-23,192	75%	26.4%
TOT		-30,500	-96,000	-23,482		
Expense - 800 Debt and Miscellaneous (4 Accounts)						
0810 Dues and Fees	Expense	-15,000	-18,000	-15,872	75%	88.2%
0830 Interest	Expense	-450,160	-450,160	-450,160	75%	100.0%
0840 Redemption of Principal	Expense	-144,187	-140,000	-140,000	75%	100.0%
0890 Miscellaneous Expenditures	Expense	0	-1,945	-1,945	75%	100.0%
TOT		-609,347	-610,105	-607,977		
TOT		318,628	297,939	305,156		

Voyage Academy
Board of Directors Meeting
March 10, 2022



Location: 1891 North 1500 West Clinton, UT 84015

Board Members Present: Trevor Nelson, Blaine Einzinger, Lysie Daley, Evan Nelson, Janae Howell, Courtnie Moore, Danielle Pedersen

Others Present: Nicole Jones, Roger Simpson, Stacey Phillips, Krystal Taylor

MINUTES

CALL TO ORDER

Trevor Nelson called the Board meeting to order at 6:04PM.

PUBLIC COMMENT

There was no public comment.

REPORTS

- **Executive Report**
Nicole Jones discussed upcoming calendar items and ongoing activities in the community. A training was provided on passages along with an overview of the rubric to be used during presentations.
- **Committee Reports**
 - **Finance Committee**
Blaine Einzinger has met with the finance committee and the school is in a good financial position.
 - **School Safety Committee**
Lysie Daley reported on school safety and the recent containment drill.
 - **Marketing Committee**
Nicole Jones expressed that the blood drive went well. Enrollment is ongoing and busy with current lottery pulls. Google ads are going well with a lot of engagement.
 - **Board Chair Comments**
Trevor Nelson had nothing to report.

VOTING ITEMS AND DISCUSSION ITEMS

- 2022/2023 School LAND Trust Plan & Budget
Nicole Jones provided the plan and budget to the board. There were no further questions. *Courtnie Moore made a motion to approve the 2022/2023 School LAND Trust Plan and Budget. Blaine Einzinger seconded. Motion passed; the votes were as follows: Trevor Nelson, Aye; Blaine Einzinger; Aye; Danielle Pedersen, Aye; Lysie Daley, Aye; Evan Nelson, Aye; Janae Howell, Aye; Courtnie Moore, Aye.*
- Amended Bylaws
Trevor Nelson reviewed the redline version of the by laws. There were no questions from the board.
Lysie Dailey made a motion to approve the amended bylaws. Danielle Pedersen seconded. Motion passed; the votes were as follows: Trevor Nelson, Aye; Blaine Einzinger; Aye; Danielle Pedersen, Aye; Lysie Daley, Aye; Evan Nelson, Aye; Janae Howell, Aye; Courtnie Moore, Aye.

CONSENT ITEMS

- February 10, 2022 Board Meeting Minutes
Evan Nelson made a motion to approve the February 10, 2022 Board Meeting Minutes. Janae Howell seconded. Motion passed; the votes were as follows: Trevor Nelson, Aye; Blaine Einzinger; Aye; Danielle Pedersen, Aye; Lysie Daley, Aye; Evan Nelson, Aye; Janae Howell, Aye; Courtnie Moore, Aye.

CALENDARING

- Board Meeting April 14, 2022
The next Board meeting will be on April 14, 2022.

ADJOURN

At 6:53 Courtnie Moore made a motion adjourn. Blaine Einzinger seconded. Motion passed; the votes were as follows: Trevor Nelson, Aye; Blaine Einzinger; Aye; Danielle Pedersen, Aye; Lysie Daley, Aye; Evan Nelson, Aye; Janae Howell, Aye; Courtnie Moore, Aye.

DRAFT



Bullying, Cyber-bullying, Hazing, Abusive Conduct, and Retaliation Policy

I. Purpose

- A. Bullying, cyber-bullying, hazing, retaliation, and abusive conduct of or against students and employees is prohibited, is against federal, state, and/or School policy, and is not tolerated by Voyage Academy (or the “School”). Voyage Academy is committed to providing all students with a safe and civil school environment in which all members of the School community are treated with dignity and respect. To that end, Voyage Academy has in place policies, procedures, and practices designed to reduce and eliminate bullying, cyber-bullying, hazing, abusive conduct, and retaliation—including civil rights violations or actions based on a student’s or employee’s actual or perceived race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes—as well as processes and procedures to deal with such incidents. Bullying, cyber-bullying, hazing, retaliation, and abusive conduct of or against students and/or employees by students and/or employees will not be tolerated in Voyage Academy.

II. Definitions

- A. “Abusive conduct” means verbal, nonverbal, or physical conduct of a parent 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.
- B. “Bullying” means a School employee or student intentionally committing a written, verbal, or physical act against a School employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:
1. causing physical or emotional harm to the School employee or student;
 2. causing damage to the School employee's or student's property;
 3. placing the School employee or student in reasonable fear of:
 - a. harm to the School employee's or student's physical or emotional well-being; or
 - b. damage to the School employee's or student's property;
 4. creating a hostile, threatening, humiliating, or abusive educational environment due to:
 - a. the pervasiveness, persistence, or severity of the actions; or
 - b. a power differential between the bully and the target; or
 5. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

The conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

“Bullying” also includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.

- C. “Civil rights violation” means bullying, cyber-bullying, harassment, or hazing that is targeted at a student or employee upon the students’ or employees’ identification as part of any group protected from discrimination under the following federal laws:
1. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or



national origin;

2. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
3. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability;

- D. “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.
- E. “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. endangers the mental or physical health or safety of a School employee or student;
 2. 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;
 3. 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
 4. 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
 - a. is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for in a School or School sponsored team, organization, program, club, or event; or
 - b. 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.

The conduct described in this Subsection E constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

- F. “Parent” means a student’s parent or guardian.
- G. “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.
- H. “Retaliate” means an act or communication intended:
1. as retribution against a person for reporting bullying, cyber-bullying, hazing, or abusive conduct; or
 2. to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, hazing, or abusive conduct.
- I. “School” means Voyage Academy.
- J. “School Board” means Voyage Academy’s Board of Directors
- K. “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 who:
 - a. is employed, directly or indirectly, by the School; and
 - b. works on the School campus.
- L. "Trauma-Informed Care" means a strengths-based service delivery approach grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both the alleged offender and victim, and that creates opportunities for targets to rebuild a sense of control and empowerment.

III. Prohibitions

- A. A School employee or student shall not engage in bullying a School employee or student:
 1. on School property;
 2. at a School related or sponsored event;
 3. on a School bus;
 4. at a School bus stop; or
 5. while the School employee or student is traveling to or from a location or event described above in Subsection A(1)-(4).
- B. A School employee or student shall not engage in hazing or cyber-bullying a School employee or student at any time or in any location.
- C. A School employee or student shall not engage in retaliation against:
 1. a School employee;
 2. a student; or
 3. an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.
- D. A School employee or student shall not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a School employee or student.
- E. Any bullying, cyber-bullying, or hazing that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to compliance regulations from the Office for Civil Rights.

IV. Reporting and Investigations

- A. Students who have been subjected to or witnessed bullying, cyber-bullying, hazing, or retaliation, and students who have witnessed abusive conduct, shall promptly report such incidents to their teacher or a member of the Administration. Teachers who receive such reports shall notify a member of the Administration.
- B. School employees who have been subjected to or witnessed bullying, cyber-bullying, hazing, abusive conduct, or retaliation shall report such incidents to a member of the Administration.
- C. Each reported complaint shall include:
 1. the name of complaining party (and the name of the victim if different than the complaining party);
 2. the name of offender (if known);



3. the date and location of incident(s); and
 4. a statement describing the incident(s), including names of witnesses (if known).
 - a. In connection with such reported complaints, students and employees may request that their identity be kept anonymous, and reasonable steps shall be taken by the Administration and others involved in the reporting and investigation to maintain the anonymity of such individuals, if possible.
- D. The School shall promptly and reasonably investigate allegations of bullying, cyber-bullying, hazing, abusive conduct, and retaliation. The School Director or his/her designee shall be responsible for conducting investigations of all complaints by students and employees alleging bullying, cyber-bullying, hazing, abusive conduct, or retaliation as outlined in the procedures below.
- E. 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 Internet 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.
- F. The School shall adopt an action plan in accordance with State Board of Education Administrative Rule Subsection R277-613-4, and -5, including a plan to:
1. investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with those rules; and
 2. provide an individual who investigates allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting an investigation.
- G. The School shall investigate allegations of incidents described in Subsection (F)(1) by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct.
1. LEA may also interview the following as part of an investigation:
 - a. parents of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;
 - b. any witnesses;
 - c. School staff; and
 - d. other individuals who may provide additional information.
 2. An individual who investigates an allegation of an incident shall inform an individual being interviewed that:
 - a. to the extent allowed by law, the individual is required to keep all details of the interview confidential; and
 - b. further reports of bullying may become part of the investigation.
- H. The confidentiality requirement in Subsection (G)(2) does not apply to:
1. conversations with law enforcement professionals;
 2. requests for information pursuant to a warrant or subpoena;
 3. a state or federal reporting requirement; or
 4. other reporting required by R277-613.



- I. In conducting an investigation under this section, the School may:
 1. review disciplinary reports of involved students; and
 2. review physical evidence, consistent with search and seizure law in schools, which may include:
 - a. video or audio;
 - b. notes;
 - c. email;
 - d. text messages;
 - e. social media; or
 - f. graffiti.

v. Actions Required if Prohibited Acts are Reported

- A. The School shall take strong responsive action to ensure that any victim of prohibited conduct will be protected from further bullying, cyber-bullying, hazing, abusive conduct, and retaliation, and that any student or School employee who reports such incidents will be protected from retaliation.
- B. Verified violations of the prohibitions set forth in this policy by students or employees shall result in consequences or penalties. Consequences or penalties may include but are not limited to:
 1. use of a discipline plan consistent with State Board of Education Administrative Rule R277-609 and School policy;
 2. use of restorative justice practices consistent with State Board of Education Administrative Rule R277-613;
 3. notification of the involved students' parents of the restorative justice practice and obtain consent from the involved student(s)'s parent(s) before including victim in the process;
 4. support of involved students through trauma-informed practices;
 5. use of student suspension or removal from a School-sponsored team or activity including School-sponsored transportation in accordance with the School's Student Conduct and Discipline Policy;
 6. use of student suspension or expulsion from School or lesser disciplinary action in accordance with the School's Student Conduct and Discipline Policy;
 7. use of employee suspension or termination or lesser disciplinary action;
 8. use of employee reassignment; and
 9. other actions taken against student or employee as appropriate
- C. Formal disciplinary action is prohibited based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
- D. The School will timely notify a parent if the parent's student threatens suicide or if the student is involved (either as a victim or alleged offender) in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation. The Director or his/her designee will provide such parental notification by telephone, through email, or in person. In addition, with respect to such parental notifications, the school will:
 1. produce and maintain a record that verifies that the parent was notified of the incident or threat;
 2. maintain the confidentiality of the record in accordance with Utah Code Section 53G-9-604;
 3. provide a student a copy of the record that relates to the student if the student requests a copy



of the record; and

4. expunge the record in accordance with Utah Code Section 53G-9-604.

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

1. the School is responsible for identifying bullying, cyber-bullying, and hazing incidents about which it knows or reasonably should have known when it involves a protected class. The School must take immediate and appropriate action to investigate or otherwise determine what occurred.
2. these duties are the School's responsibility to investigate regardless of whether a person makes a complaint, a person requests the School to take action, or a person identifies the bullying, cyber-bullying, or hazing as a form of discrimination.
3. if it is determined that the bullying, cyber-bullying, or hazing occurred as a result of the student-victim'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.

F. Actions must also include, as appropriate:

1. prompt reporting to law enforcement of all acts of bullying, cyber-bullying, hazing, or retaliation that constitute suspected criminal activity;
2. allowing the accused a fair and timely opportunity to explain the accusations and defend his/her actions prior to student or employee discipline; and
3. providing, if required by law or School policy, due process rights to the employee or student prior to imposing discipline.

vi. Grievance Process for Incidents of Abusive Conduct

A. "Abusive conduct" is defined in Section II.

1. a School employee who has experienced an incident of abusive conduct and is not satisfied with initial efforts to resolve the issue, may submit a written grievance with the Administration within thirty (30) calendar days of the incident.
2. the written grievance described in Subsection (1) shall include:
 - a. the date of the incident;
 - b. circumstances of the incident; and
 - c. the signature of the School employee submitting the grievance to the Administration.
3. within ten (10) business days of receiving the written grievance, the Administration shall meet with the School employee to discuss the grievance and possible resolutions.
4. within ten (10) business days after the meeting described in Subsection (3), the Administration shall respond to the School employee in writing explaining the Administration's position and offer options for substantive resolution of the complaint.
5. if the response by the Administration described in Subsection (4) does not, in the employee's opinion, satisfactorily resolve the issue, the School employee may appeal the Administration's response in writing within ten (10) business days after receipt of the response to the School's Board or designee.



6. within ten (10) business days after receipt of the grievance appeal described in Subsection (5), the School's Board or designee shall meet with the School employee to discuss the grievance and possible resolutions.
7. within fifteen (15) calendar days after the meeting, the School's Board or designee shall respond in writing with a final resolution of the grievance.
8. the School Board or designee written response shall be the final administrative action in the matter.

vii. Training

- A. The School shall provide its students and employees regular annual discussion and training designed to prevent bullying, cyber-bullying, hazing, and retaliation among employees and students.
- B. All School students, employees, volunteers, and coaches shall receive training on bullying, cyber-bullying, hazing, and retaliation from individuals qualified to provide such training. The training shall include information on:
 1. Bullying, cyber-bullying, hazing, and retaliation;
 2. Discrimination under the following federal laws:
 - a. Title VI of the Civil Rights Act of 1964;
 - b. Title IX of the Education Amendments of 1972;
 - c. Section 504 of the Rehabilitation Act of 1973; and
 - d. Title II of the Americans with Disabilities Act of 1990;
 3. How bullying, cyber-bullying, hazing, and retaliation are different from discrimination and may occur separately from each other or in combination;
 4. bullying, cyber-bullying, hazing, and retaliation based upon the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform to stereotypes; and
 5. the right of free speech and how it differs for students, employees, and parents.
 - a. The training described above shall be offered to new school employees, coaches, and volunteers; it shall also be offered to all school employees, coaches, and volunteers at least once every three years.
- C. Prior to any student, employee, or volunteer coach participating in any public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee, or coach shall participate in bullying, cyber-bullying, hazing, and retaliation prevention training. This training shall be offered to new participants on an annual basis and to all participants at least once every three years.
- D. The School will implement a youth suicide prevention program for students as described in Utah Code Section 53E-9-702 and R277-620.
- E. All licensed educators must complete two hours of professional development in youth suicide prevention training once every three years.

viii. Additional Notes

- A. Subject to the parental consent requirements of Utah Code Section 53E-9-203, the School shall solicit



student assessments of 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.

- B. The School will inform students, parents, and School employees that bullying, cyber-bullying, hazing, abusive conduct, and retaliation are prohibited and will distribute a copy of this policy to such individuals each year. 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 of students shall sign a statement indicating that they have received this policy.
- C. A licensed educator shall supervise volunteers. Volunteers shall report to their supervisor if the volunteer witnesses or is notified of a bullying, cyber-bullying, hazing, abusive conduct, or retaliation incident or if the volunteer has reason to suspect such an incident. Volunteers shall not engage in bullying or other prohibited conduct themselves and must follow policy requirements or may be asked to leave School if in violation of this policy.
- D. This policy does not prohibit expressive activity protected by the First Amendment of the United States Constitution. However, if off-campus speech that may constitute a bullying, cyber-bullying, or hazing incident creates a substantial disruption to the School environment, under *Tinker v. Des Moines*, 393 U.S. 503 (1969), the School may take disciplinary action against the student who initiated the speech. Factors that School may consider in determining whether a substantial disruption has occurred are:
 - 1. whether there is a verbal or physical confrontation over the incident at School;
 - 2. whether there is likely to be a verbal or physical confrontation based on evidence of a prior relationship between the victim and the student who initiated the speech;
 - 3. whether any part of the speech that gave rise to the incident was repeated at School;
 - 4. whether students are discussing the incident during class or if it otherwise is disrupting school work;
 - 5. whether there is a widespread whispering campaign or rumor sparked by the off-campus incident that disrupts the School environment and students' abilities to focus on school;
 - 6. whether administrators who dealt with the incident were pulled from their ordinary tasks to address the incident and how much time it took out of an administrator's day to do so;
 - 7. whether speech similar to the off-campus speech in this incident has occurred in the past and has resulted in violence or near violence at School;
 - 8. whether there is a negative effect on classroom activities as a result of the off-campus incident; or
 - 9. whether the speech was violent or whether there is a history of violence from the student/s who initiated the speech (Note: true threats are not protected by the First Amendment if it advocates "imminent" violence or unlawful conduct. Thus, a message that threatens physical harm, even if it isn't mean to be serious, may not be protected by the First Amendment and the person who utters such a message may be disciplined by the School.).



Classroom Management and School Discipline Policy

Voyage Academy (or the “School”) Classroom teachers, excursion teachers, co-teachers, and administrators shall keep in mind the student’s best interest when administering correctional behavioral practices. Educators will use practices that are consistent with School and State-wide policies and procedures.

Classroom behavioral expectations:

Teachers will develop behavior expectations that are clearly stated and support both academic and behavioral norms.

Teachers will use non-confrontational language and proximity when addressing misbehaviors.

Teachers will provide parents/guardians with a copy of behavioral expectations.

Teachers will involve the students in the development of behavioral expectations.

Teachers will use the Voyage Academy Restorative Protocol, Think Sheet and/or Reflection Sheet, when directing students toward appropriate choice making.

Referral of inappropriate behaviors:

The teacher will contact the parent/guardian with each Think Sheet.

The teacher will refer the student to administration with all reoccurring behaviors or those behaviors that constitute a safe school violation.

Student may be referred to the following supports:

Parent/Guardian

Administration

Counselor

Student Success Team

Special Education/504 Team

Law Enforcement

Suspension by Administration:



It is the belief and standard of Voyage Academy to keep students in school and part of their classroom culture. When students are not able to correct their behaviors or when their actions create an environment that is unsafe, a student may be suspended from school.

The teacher has the right to exclude a student from certain portions of classroom time and activities.

A school suspension will be made by the administration in consultation with the teacher.

The teacher will provide the administration documentation of the behavioral incident.

The teacher will enter student behavior in the School's Student Information System.

The administration will contact the parent/guardian of all suspended students. In the event of a suspension lasting longer than ten days, the parents/guardians will be notified and granted the opportunity for a due process hearing. Parents/guardians may secure legal counsel and will be responsible for all legal fees accrued by the parent/guardian.

If the suspension will occur at School, it will be in a location different than the student's regular classroom.

If the student is to be sent home, parents/guardians will provide transportation from School.

Expulsion by Administration:

In the event of an expulsion the parents/guardians will be notified and granted the opportunity for a due process hearing.

Parents/guardians may secure legal counsel and will be responsible for all legal fees accrued by the parent/guardian.

Voyage Academy maintains the right to disclose details of the expulsion or a long-term suspension with any school who may, in accordance with the law, have a legitimate educational interest in the behavior of the student.

Voyage Academy will not release personally identifiable student discipline records to government agencies unless:

Student is in the agency's custody, is under the care or protection of the agency, or is receiving services from the agency;

Agency produces a subpoena or court order;

Student's parent/guardian has authorized disclosure; or



The School is required to do so by law.

Staff Training:

All new teachers will receive behavioral training on the Voyage Academy Restorative Protocol, Think Sheets.

All staff will receive continual training throughout the year on corrective behavioral practices.

All administration shall receive state and national training on current behavioral practices and policies.

Reporting:

Voyage Academy shall report all out-of-school suspensions and expulsions to the Utah State Board of Education as required by law. Where required, the report shall indicate the student's race, gender, disability status, age/grade, as well as the reason for the suspension and length of the suspension.

Policy Dissemination:

This policy shall be made available upon request.

This policy shall be made available on the Voyage Academy website.



Director Update 4/14/2022

Calendar

APR.

- 1-Maturation Program-Video sent out/Self Care Day 1:30pm
- 4-8-Spring Break-No school
- 9-Dani Pedersen Bday 😊
- 11-Rock the Test Assembly 9:00am/State Director Meetings
- 12-End of Year Admin Review Meeting-Clinton City Hall
- 13-SST review & wrap up/Lunch with the Mayor 11:30am/DEN Meeting 12:00pm/ITL Meeting 3:15pm
- 14-All Team Meeting 3:15pm/Finance Meeting 5:30pm/Board Meeting 6:00pm
- 15-SpEd Assessment Administration Training/Teacher Portfolios Due
- 18 Fire Drill 8:30am
- 20-FY 2023 Budget Planning Meeting 9:00am
- 21-Academica West Directors Meeting 10:00am
- 22-Professional Learning-EL School Designers-Workplan Teacher Assessment 1:30pm/EL IR Review 2:30
- 26-Stellar Student Breakfast 8:30am
- 27-Spring UTREX Training 9:00am
- 28-AW Networking Meeting/Youth Art Gallery 6:00pm
- 29-Community Circle 1st Grade 9:00am/Professional Learning 1:15pm

May

- 2-6- Staff Appreciation Week
- 3-AW Collaboration Activity 10:00am
- 4-Viking Crew 8:30am/Lunch with the Mayor 11:30am
- 5-All Team Meeting 3:15pm
- 6-Self Care Day 1:30pm
- 9-Snow Makeup Day-No School/State Director Meeting
- 12-Homecoming 2:30pm
- 13th Professional Learning EL School Designers 1:15pm/Report Cards Due
- 14th Finance 5:30/Board Meeting 6:00
- 16-20 Passage Presentations 3:30pm-7:00pm
- 16-27-Grade Level Intensive Activities
- 19-Kinder Eats 10:30 & 12:20/ILT Meeting 3:15pm
- 23-Viking K/Sprint/Board Dinner 6:00pm
- 24-6th Grade Celebration 6:00pm/Yearbook Signing
- 25-Kickball
- 26-Field Day/Fire Truck?
- 27-Last Day of School-out at 11:00am

What are we up to?

- *Passages [passages defined \(3\).docx](#)
- *RISE testing/EOY Assessments April 19th-May 2th [RISE TESTING SUMMARY.docx](#)
- *2022/2023 SY budget
- *Review of Teacher Salary Scale [Copy of FY23 Voyage Teacher Salary Schedule.xlsx](#)

- *Teacher leaving/Hiring New Teachers
- *Reading Site Visit Attendee Summary [Denver Skills Block Site Visit Attendee Takeaways .docx](#)
- *Administrative End of Year Review [Voyage Year End Review 2021-2022](#)
- *Drafting Contracts
- *Board Meeting/Appreciation Dinner May 23
- *Updating Handbook for 2022/2023 SY
- *EL IR Review-APRIL 22 [Implementation Review Defined.docx](#)
- *Teacher Portfolios and Evaluations [Teacher Evaluation Procedure \(002\).docx](#)
- *Parent Survey 2021-2022 [Parent Survey 2021-2022](#)

Board Business and Training

- PBIS Review [Voyage Academy Positive Behavior Plan Documentation.docx](#)
- Staff Appreciation Board Provide Breakfast May 4th

Student Achievement

- Analyzing data to develop EL work plan
- SPED –APR Final Determination and Monitoring Tier Assignment Letter
<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:01873de1-51eb-3193-860b-6af806bb228f>

Policy Review

- *Suspension, Expulsion, Parent Notification, & Seclusion and Restraint Policy
- *Voyage Academy Classroom Management and School Discipline Policy
- *Procurement & Expenditures Policy
- *Bullying, Cyberbullying, Hazing, and Retaliation Policy

Subject: RE: Proposed Revised Policies for Upcoming Board Meeting
Date: Tuesday, April 12, 2022 at 2:31:10 PM Mountain Daylight Time
From: Platte Nielson
To: Nicole Jones, Trevor Nelson, jhowell@voyageacademyutah.org, dpedersen@voyageacademyutah.org, ldaley@voyageacademyutah.org, beinzinger@voyageacademyutah.org, enelson@voyageacademyutah.org, cmoore@voyageacademyutah.org
CC: Roger Simpson, Krystal Taylor, Stacey Phillips
Attachments: Bullying, Cyberbullying, Hazing, and Retaliation Policy (revised April 2022).docx, Student Conduct and Discipline Policy (revised April 2022).docx, Classroom Management and School Discipline Policy (revised April 2022).docx, Procurement & Expenditure Policy (revised April 2022).docx

Hello Voyage Board Members,

Here are the policies up for revision at your board meeting this Thursday. Please don't hesitate to reach out to me if you have any questions. Below is a short summary of the proposed changes I've made in the policies. As always, if you have any questions please feel free to reach out to me.

- Bullying, Cyber-bullying, Hazing, and Retaliation Policy
 - Add "abusive conduct" to the title of policy.
 - Update definitions and remove definitions not needed in the policy.
 - Re-order various sections in the policy so that the sections flow as follows: Purpose, Definitions, Prohibitions, Reporting and Investigations, Actions Required if Prohibited Acts are Reported, Grievance Process for Incidents of Abusive Conduct, Training, Additional Notes.
 - Clarify/supplement reporting, investigation, and parent notification requirements.
 - Add some detail to Training and Additional Notes Section.
 - (Sorry, lots of redlines in this one).
- Discipline, Suspension, Expulsion, Parent Notification, & Seclusion and Restraint Policy
 - Rename policy to "Student Conduct and Discipline Policy".
 - Restructure (and basically re-do) the policy in an attempt to include all required elements under Utah Code 53G-8-202 et seq. and USBE rules R277-608 and -609.
 - The current policy has many of the requirements, but there are some significant gaps. I retained the sections that I think are unique to Voyage's approach to discipline, including the "Major and Minor Misconduct" provisions (see Section 4.7) and the summary tables regarding responsibilities when a special education student is being disciplined (see Sections 10.1 and 10.8). Most everything else is grounded in the Utah Code and USBE rules.
- Safe School Policy
 - I propose rescinding this policy as it is duplicative with the policy described immediately above. Both policies address the same subject matter.
- Voyage Academy Classroom Management and School Discipline Policy
 - Rename policy "Classroom Management and School Discipline Policy".
 - Adding language explaining that students suspended for longer than 10 days are entitled to a due process hearing (just as expelled students are).
 - Add some clarity to the data confidentiality provisions.
- Procurement & Expenditures Policy
 - Update the small purchase procurement threshold amounts (some of the amounts changed semi-recently due to changes in the procurement administrative rules).

- o Updated some definitions and other provisions with Utah Code references.
- o Some formatting/grammatical changes.

Best,

Platte S. Nielson

Attorney
Academica West
290 N. Flint Street, Suite A
Kaysville, Utah 84037
(801) 444-9378

From: Platte Nielson

Sent: Friday, March 4, 2022 3:00 PM

To: Nicole Jones <NJones@voyageacademyutah.org>; Trevor Nelson <tnelson@voyageacademyutah.org>; jhowell@voyageacademyutah.org; dpedersen@voyageacademyutah.org; ldaley@voyageacademyutah.org; beinzinger@voyageacademyutah.org; enelson@voyageacademyutah.org; cmoore@voyageacademyutah.org

Cc: Roger Simpson <roger.simpson@academicawest.com>; Krystal Taylor <krystal@academicawest.com>; Stacey Phillips <Stacey.Phillips@academicawest.com>

Subject: RE: Proposed Revised Policies for Upcoming Board Meeting

Hi all,

Nicole and Trevor asked me to send each of you these proposed revisions to the Bylaws. The plan is to vote on the amended bylaws at the board meeting next week. Please feel free to reach out to me with any questions you might have about these proposed revisions.

Best,

Platte S. Nielson

Attorney
Academica West
290 N. Flint Street, Suite A
Kaysville, Utah 84037
(801) 444-9378

From: Platte Nielson

Sent: Tuesday, February 8, 2022 11:43 AM

To: Nicole Jones <NJones@voyageacademyutah.org>; Trevor Nelson <tnelson@voyageacademyutah.org>; jhowell@voyageacademyutah.org; dpedersen@voyageacademyutah.org; ldaley@voyageacademyutah.org; beinzinger@voyageacademyutah.org; enelson@voyageacademyutah.org; cmoore@voyageacademyutah.org

Cc: Roger Simpson <roger.simpson@academicawest.com>; Krystal Taylor <krystal@academicawest.com>; Stacey Phillips <Stacey.Phillips@academicawest.com>

Subject: Proposed Revised Policies for Upcoming Board Meeting

Hi Nicole and Voyage Board Members,

Attached are the two revised policies (Attendance Policy and Students with Head Injuries Policy) that will be presented to the board for approval at the board meeting this Thursday. Trevor asked me to circulate these to all board members before the meeting so you all have the chance to review them beforehand, if you'd like.

Below is a summary of the proposed revisions to each policy (all the revisions are redlined in the attached policies):

Attendance Policy:

- Added that the Director can establish admin procedures under this policy (such procedures can help provide details that are often difficult to work into a board policy – plus such procedures can be amended by the Director whenever necessary without having to go through board approval; I will help Nicole prepare these procedures)
- Updated the list of reasons that qualify as an excused absence under Utah law
- Added in the definition of “truancy” per Utah law
- Added a few sentences regarding the school’s ability to issue a “Notice of Compulsory Education”
- Added in most of the Truancy Prevention Policy into the Attendance Policy (so the school can have one combined policy rather than two separate ones)

Students with Head Injuries Policy

- The existing policy is super short and doesn’t meet the requirements of R277-614. So, I prepared a short policy and accompanying admin procedures, the combination of which should satisfy all policy requirements.

Truancy Prevention Policy

- As this policy was super short and very much related to the Attendance Policy, I simply combined it with the Attendance Policy.
- The Truancy Prevention Policy can be rescinded, as the material will now be in the Attendance Policy.

Certainly happy to discuss any concerns or questions you may have.

Best,

Platte S. Nielson

Attorney
Academica West
290 N. Flint Street, Suite A
Kaysville, Utah 84037
(801) 444-9378



Procurement & Expenditures Policy

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A. Purpose

To establish Voyage Academy (the "School") policy governing the initiation, authorization and review of all expenditures of the School.

B. Scope

These policies, guidelines, and procedures are applicable without exception to all funds owned or administered by the School. All expenditures of the School are to be consistent with applicable state and federal laws and regulations; any restrictions, rules, or regulations placed on the use of the funds by donors and granting agencies; and prudent management practices. In addition, all expenditures must be reasonable and necessary for carrying out the programs and activities of the School and are to be documented in a way which clearly substantiates such reasonableness and necessity. This policy applies to all School administration, licensed educators, staff, students, organizations, and individuals that initiate, authorize, or process cash disbursements on behalf of the School. The scope includes all activities at the School and in all locations where School activities and public funds are expended.

It is expected that in all dealings, School employees will act in an ethical manner that is consistent with the School's code of ethics, the Utah Educators' Standards, the [Utah](#) Public Officers' and Employees' Ethics Act, and State procurement law.

C. Segregation of Duties

Wherever possible, duties such as custody of purchase cards and blank checks, initiating expenditures, approving expenditures, maintaining documentation, issuing checks and reconciling records should be segregated among different individuals. When segregation of duties is not possible due to the small size and limited staffing of the School, compensating controls such as management supervision and review of cash disbursement records by independent parties should be implemented.

D. Definitions

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1. "Public funds" are defined as money, funds, and accounts, regardless of the source from which the funds are derived, that are owned, held, or administered by the state or any of its political subdivisions, including LEAs or other public bodies ([Utah Code § 51-7-3\(26\)](#)).
2. "Small purchase" **includes** the procurement of goods or services for which the total cost is less than \$50,000.01 and the total **cost of an** individual procurement item, **costs** less than **\$5,000.01**, professional services (including architectural or engineering) costing less than \$100,000.01, and small construction projects costing less than \$100,000.01 ([Utah Code § 63G-6a-506](#) **and** [Administrative Code R33-5](#)).

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E. General Expenditure Policies

1. All checks or check stock, credit/purchase cards, access to bank accounts and statements, etc. shall be secured and controlled by the accounting/front office with limited access.
2. All disbursing of funds at the School should be done through the accounting/front office.
3. Expenditure transactions must be approved by an individual having sufficient knowledge and authority to evaluate the transaction for reasonableness and appropriateness. The School shall designate employees by title or job descriptions who are authorized to approve various dollar amount levels of disbursements and instructed never to sign blank checks.
4. All expenditures made using cash, checks, credit/purchase cards, electronic fund transfers, etc. shall be recorded in the school's accounting records.
5. Passwords should be established on user access to the accounting system and changed periodically.
6. Checks should be made payable to specified payees and never to "cash" or "bearer."
7. All disbursement activity should be substantiated by supporting documents. Documents should be available and should demonstrate that proper disbursement controls are in place (signatures for approval, purchase orders, receipts, invoices, bids or quotes, reimbursement forms, travel forms, journal entries, reconciliations, etc.).
 - a. Quotes shall contain the following information, [where applicable](#):
 - i. Date received or dates that the quoted price is valid and delivery date
 - ii. Company name and address
 - iii. Each item, description or specifications, unit, total price, and quantity listed
 - iv. Shipping and freight charges
 - v. Salesperson and contact information
 - vi. Vendor, School employee name and position
 - b. Quotes may be obtained and documented by printing pages from a website; however, all the quote elements must be documented. Better prices are usually obtained by contacting vendors directly. Telephone quotes must be documented and include all quote elements. Written quotes should be requested on the vendor's letterhead.
8. Bank and credit card statements should be reviewed and accounts reconciled in a timely manner. Activity accounts should be reviewed quarterly by the custodian of the activity.
9. The School must comply with applicable LEA and state purchasing laws.
10. Expenditures will follow the guidelines outlined in the State Procurement Code (Utah Code [§ 63G-6a](#)) and federal purchasing laws.
11. Contracts must follow the guidelines outlined in the State Procurement Code, specifically regarding the length of multi-year contracts (Utah Code [§ 63G-6a-1204](#)).

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12. Construction and improvements must comply with the provisions of the State Procurement Code (Utah Code § 63G-6a), Utah Code concerning school construction, the Utah State Board of [Education](#) Administrative Rules, and Title IX.
13. Exclusive contracts must comply with the guidelines outlined in the State Procurement Code (Utah Code § 63G-6a), the School’s procurement policy, and the Utah Public Officers’ and Employees’ Ethics Act (Utah Code § 67-16).
14. Purchases of goods or services with School funds for personal use or personal gain are strictly prohibited; see the Utah Public Officers’ and Employees’ Ethics Act (Utah Code § 67-16).
15. Multi-year contracts must comply with Utah Code § 63G-6a-1204.

F. Procurement Thresholds

The School’s procurement policy shall be followed for all qualifying purchases of goods or services. The procurement policy should include the basic items:

1. Small Purchases

- a. The “**individual procurement threshold**” for the School is \$5,000. This is the maximum amount that the School can expend to obtain a single item/service from one vendor at one time without requiring competitive purchasing (Utah Code § 63G-6a-506, Administrative Code R33-5).
- b. The “**single procurement aggregate threshold**” for the School is \$10,000. This is the maximum amount that the School can expend to obtain any combination of individual procurement items/services each costing less than \$5,000.01 from one vendor at one time up to \$10,000 (Utah Code § 63G-6a-506, Administrative Code R33-5).
- c. The “**annual cumulative threshold**” for the School is \$50,000. This is the maximum total annual amount that the School can expend to obtain individual procurement item(s) costing less than \$5,000.01 purchased from the same vendor during the fiscal year (July 1—June 30) not to exceed \$50,000. If a purchase exceeds \$50,000 and no exception applies, it is not considered a small purchase and shall be processed through an invitation for bid (IFB) process or a request for proposals (RFP) process (Utah Code § 63G-6a-506 and Administrative Code R33-5).
- d. **Professional services**, such as architectural, engineering, accounting, legal, information technology, or consulting services costing less than \$100,000.01 may be awarded by direct negotiation after the School has reviewed the qualifications of at least three professional service providers. Professional services costing greater than \$100,000 shall be obtained using an IFB or RFP process. The threshold for utilizing an approved vendor list for professional services is \$100,000. A vendor is selected from a prequalification of potential bidders and approved potential vendor list created using an IFB or an RFP under (Utah Code § 63G-6a-506 and § 63G-6a Part 15, Administrative Code R33-5 and R33-15).
- e. **Small construction projects**
 - i. Costing less than \$25,000.01 may be procured by direct award without seeking competitive bids or quotes after documenting that all applicable building code approvals, licensing requirements, permitting and other construction related requirements are met (Administrative Code R33-5).

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- ii. Costing between \$25,000.01 and \$100,000 may be procured by obtaining a minimum of two (2) competitive bids or quotes that include minimum specifications and be awarded to the contractor with the lowest bid or quote that meets the specification after documenting that the requirements are met from subsection (i) above, (Utah Code § 63G-6a-606, Administrative Code R33-5).
- iii. Costing more than \$100,000 are not considered small construction projects and must be procured through an IFB or RFP process and follow the applicable requirements, (Utah Code § 63G-6a-1302, Administrative Code R33-13).

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2. Reoccurring Purchase Over Annual Cumulative Threshold

- a. If purchases from the same vendor are ongoing, continuous, and regularly scheduled, and exceed the annual cumulative threshold of \$50,000 during the fiscal year, a contract shall be utilized if feasible (Utah Code § 63G-6a-506(6)), and if no exception applies, the School shall use an IFB or RFP process.

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3. Artificially Dividing a Purchase

- a. Utah Code § 63G-6a-506(8) makes it unlawful to intentionally divide a procurement purchase into one or more smaller purchases, including to divide an invoice or purchase order into two or more invoices or purchase orders, if the intent or purpose is to avoid abiding by established procurement processes or purchase thresholds.
 - i. This means that intentionally splitting a purchase of similar items that would typically be purchased at the same time from the same vendor to avoid requiring competitive quotes is unlawful (e.g., uniforms, club or athletic equipment, textbook orders, etc.). This includes dividing the purchases or invoices over a period of time or making separate purchases over a period of time. Purchase splitting often occurs when making purchases on a purchase card. Employees should not split invoices to stay under daily purchase limits on purchase cards or the established purchasing thresholds.
 - ii. It may be determined after an order is placed or received that a large enough quantity was not ordered, or the correct sizes were not obtained, and that additional items must be ordered. If this occurs, the employee initiating the purchase must include a written explanation of the purpose of the purchase and justification as to why it is not considered splitting a purchase. This should be retained with the vendor invoice.
 - iii. Penalties for violating this statute are outlined in Utah Code § 63G-6a-506(8). Penalties range from a class B misdemeanor to a second degree felony, depending on the total value of the divided procurements.

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4. Hospitality Gifts, Gratuities, Kickbacks, or Position and Influence

- a. **“Contract administration professional”** means an individual who is directly under contract with a LEA or employed by a person under contract with a LEA and has responsibility in developing a solicitation or grant, or conducting the procurement process; or supervising or overseeing the administration or management of a contract or grant. This does not include an employee of the LEA. (Utah Code § 63G-6a-2402).
- b. **“Procurement professional”** means an individual who is an employee, and not an independent contractor, of a LEA, and who, by title or primary responsibility has procurement decision making authority and is assigned to be engaged in or is engaged in the procurement process or the process of administering a contract or grant, including enforcing contract or grant compliance,

approving contract or grant payments, or approving contract or grant change orders or amendments. Procurement professional excludes:

- i. Any individual who, by title or primary responsibility, does not have procurement decision making authority; [and](#)
 - ii. The director, business administrator, director, or vice director of the LEA, or the chief assistant or deputy of the director, business administrator, director, or vice director. (Utah Code [§ 63G-6a-2402](#)).
- c. **“Hospitality gift”** means a token gift of minimal value, including a pen, pencil, stationery, toy, pin, trinket, snack, beverage, or appetizer, given for promotional or hospitality purposes. This does not include money, a meal, admission to an event for which a charge is normally made, entertainment for which a charge is normally made, travel, or lodging. (Utah Code [§63G-6a-2402](#)).
- i. Utah Code [§ 63G-6a-2404](#) states that it is not unlawful for a person to give or receive, offer to give or receive, or promise or pledge to give or ask for a promise or pledge of, a hospitality gift if:
 1. The total value of the hospitality gift is less than \$10; and
 2. The aggregate value of all hospitality gifts from the person to the recipient in a calendar year is less than \$50.
 - ii. Any hospitality gift exceeding the \$10 and \$50 threshold is considered a gratuity, and the provisions below apply.
- d. **“Gratuity”** means anything of value given without anything provided in exchange or in excess of the market value of that which is provided in exchange, including a gift or favor, money, a loan at an interest rate below the market value or with terms that are more advantageous to the borrower than terms offered generally on the market, anything of value provided with an award (other than a certificate, plaque, or trophy), employment, admission to an event, a meal, lodging, travel, entertainment for which a charge is normally made, and a raffle, drawing for a prize, or lottery.
- i. Gratuity does not include:
 1. An item, including a meal in association with a training seminar, that is:
 - a. Included in a contract or grant; or
 - b. Provided in the proper performance of a requirement of a contract or grant;
 2. An item requested to evaluate properly the award of a contract or grant;
 3. A rebate, coupon, discount, airline travel award, dividend, or other offering included in the price of a procurement item;
 4. A meal provided by an organization or association, including a professional or educational association, an association of vendors, or an association composed of public agencies or public entities, that does not, as an organization or association, respond to solicitations;
 5. A product sample submitted to a public entity to assist the public entity to evaluate a solicitation;
 6. A political campaign contribution;
 7. An item generally available to the public; or
 8. Anything of value that one public agency provides to another public agency (Utah Code [§ 63G-6a-2402](#)).
 - ii. Utah Code [§ 63G-6a-2404](#) makes it unlawful:

1. For a person who has or is seeking a contract with or a grant from a public entity knowingly to give, or offer, promise, or pledge to give, a gratuity to the LEA, a procurement professional or contract administration professional, or an individual who the person knows is a family member of an individual.
 2. For a “procurement professional” or “contract administration professional,” or a family member of either, knowingly to receive or accept, offer or agree to receive or accept, or ask for a promise or pledge of, a gratuity from a person who has or is seeking a contract with or a grant from a public entity.
 3. Penalties for violating this statute are established in Utah Code [§ 63G-6a-2404](#) and [2407](#). Individuals will adhere to these penalties and report violations to the attorney general’s office, as required by statute.
 - a. Penalties range from a class B misdemeanor to a second degree felony and individuals are subject to disciplinary action up to and including dismissal from public employment or return the value of the unlawful gratuity.
- e. **“Kickback”** means a negotiated bribe in connection with a procurement or the administration of a contract or grant; and does not include items in subsection 4.d.i. (Utah Code [§ 63G-6a-2402](#)).
- i. Utah Code [§ 63G-6a-2404](#) makes it unlawful:
 1. For a person who has or is seeking a contract with or a grant from a public entity knowingly to give, or offer, promise, or pledge to give, a kickback to the LEA, a procurement professional or contract administration professional, or an individual who the person knows is a family member of an individual.
 2. For a “procurement professional” or “contract administration professional,” or a family member of either, knowingly to receive or accept, offer or agree to receive or accept, or ask for a promise or pledge of, a kickback from a person who has or is seeking a contract with or a grant from a public entity.
 - ii. Penalties for violating this statute are established in Utah Code [§ 63G-6a-2404](#) and [§ 2407](#). Individuals will adhere to these penalties and report violations to the attorney general’s office, as required by statute.
 1. Penalties range from a class B misdemeanor to a second degree felony and individuals are subject to disciplinary action up to and including dismissal from public employment or return the value of the unlawful kickback.

G. General Expenditure Procedures

1. The School’s tax-exempt status number should only be used in conformity with the Utah State Tax Commission’s guidelines.
2. The School has designated the State Procurement Code as its purchasing policy.
3. If an outside entity reimburses employee expenses (meals, travel, etc.), these expenses should not be submitted to the School for reimbursement.
4. No disbursing of funds is to be done in other offices or at unapproved off-site activities or functions.
5. Purchases of goods or services for personal use or personal benefit of any amount are strictly prohibited.

6. Any purchases should be equitable for both male and female students and comply with Title IX.

H. Decision Chart for Purchasing Thresholds

How does an employee initiate a purchase?

1. Is the purchase available from a state agency or a state cooperative contract? If so, you are encouraged to purchase the item from the agency or state contract. If not, follow the decision chart below.
2. If the total purchase is between:
 - a. ~~\$0-\$5,000~~
 - i. The purchaser may select the best source without seeking competitive quotes. The signatures of the requestor and immediate supervisor (or authorized business officer for the department or administration) are required on the purchase order or check request form. If the purchase is made using a School credit/purchase card, the employee should follow the credit/purchase card policy below.
 - b. ~~\$5,000.01-\$10,000~~
 - i. The purchaser shall obtain at least two (2) competitive quotes and purchase the item/service from the supplier offering the lowest quote meeting the specifications. Quotes must be attached to the purchase documentation and maintained as part of the School's records. The signatures of the requestor, immediate supervisor (or authorized business officer for the department), and business administrator are required on the purchase order or check request form.
 - c. ~~\$10,000.01-\$50,000~~
 - i. The purchaser shall obtain at least two (2) competitive quotes and purchase the item/service from the supplier offering the lowest quote meeting the specifications. Quotes must be attached to the purchase documentation and maintained as part of the School's records. Completed bids and an approved purchase order shall be sent to School purchasing for initiation and purchase. The signatures of the requestor, immediate supervisor (or authorized business officer for the department), and business administrator for the School are required on the purchase order or check request form.
 - d. ~~Greater than \$50,000~~
 - i. The School shall enter into a competitive bid process (~~IFB~~) or RFP in compliance with ~~the~~ Utah Code ~~§~~ 63G-6a sections ~~602-608~~ and ~~701-712~~ and Administrative Code R33-6 and R33-7, or use a prequalification of potential vendors and an approved vendor list with an ~~IFB~~ or an RFP in compliance with Utah Code ~~§~~ 63G-6a-410 and 507. The bid or RFP process shall be managed by School purchasing. If a bid process is utilized, select the lowest responsive and responsible bidder that meets the objective criteria described in the ~~IFB~~. If an RFP process is utilized, select the responsive and responsible offeror with the highest total score. Supporting documents must be retained and maintained as part of the School's records. The signatures of the requestor, immediate supervisor (or authorized business officer for the department), business administrator, and director of the School are required for final approval. If the purchase is greater than \$99,999, the signature of the School's ~~Board~~ is also required for final approval.
 - e. ~~Less than \$100,000 for professional services~~

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i. When acquiring professional services such as accounting, legal, consulting, architectural, engineering, or information technology goods or services valued at less than \$100,000, the School shall follow the associated small purchasing thresholds as outlined in R33-5. The School must review the qualifications of a minimum of three professional service providers or consultants and directly negotiate for up to \$100,000. Contracts or purchases from an approved vendor list may not exceed \$100,000.

f. **Small construction projects**

i. Costing less than \$25,000.01 may be procured by direct award without seeking competitive bids or quotes after documenting that all applicable building code approvals, licensing requirements, permitting and other construction related requirements are met. The signature of the requestor, immediate supervisor (or authorized business officer for the department), business administrator, and director of the School are required for final approval.

ii. Costing between \$25,000.01 and \$100,000 may be procured by obtaining a minimum of two (2) competitive bids or quotes that include minimum specifications and be awarded to the contractor with the lowest bid or quote that meets the specification after documenting that the requirements are met from (1). The signature of the business administrator and director of the School are required for final approval.

iii. Costing more than \$100,000 are not considered small construction projects and must be procured through an IFB or RFP process and follow the requirements outlined in Utah Code § 63G-6a-1302, Administrative Code R33-13, and the School shall advertise for bids or proposals at least 7 days before the bid or proposal due date. The signature of the business administrator, director of the School, and the School's Board are required for final approval.

g. **Greater than \$100,000 for professional services**

i. The School shall enter into a competitive bid process or RFP in compliance with Utah Code § 63G-6a sections 602-608 and 701-712. The bid or RFP process shall be managed by School purchasing. If a bid process is utilized, select the lowest responsive and responsible bidder that meets the objective criteria described in the invitation to bid. If an RFP process is utilized, select the responsive and responsible offeror with the highest total score. Supporting documents must be retained and maintained as part of the School's records. The signatures of the business administrator, director, and the School's Board are required for final approval of the IFB or RFP.

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I. Sole Source Expenditure Procedures

1. Sole source procurement shall only be used if a product or service is unique and can be easily proven as one of a kind, offered by only one vendor. If there is more than one potential bidder or offer for a particular item, sole source does not apply. All sole source determinations must be completed through the School purchasing department.
2. All sole source requests estimated to be \$50,000 and above must be posted for public comment, in accordance with Utah Code § 63G-6a-802.
3. Sole source justification should be documented according to Utah Code § 63G-6a-802 and be approved by administration.

J. Credit/Purchase Cards Expenditure Procedures

1. All credit/purchase cards shall be kept secured and controlled by the accounting/front office with limited access. PIN numbers should be kept secured.
2. Card users shall follow School and state purchasing policies and comply with the Utah State Tax Commission's guidelines regarding the School's tax-exempt status number.
3. Purchases exceeding \$1,000 made using the credit or purchase card should be pre-approved, using an expenditure authorization form, prior to making the purchase.
4. If a card is issued to the School as a whole, a log should be kept documenting which employee checked out the card and the period of time the card was checked out. Receipts shall be retained for all purchases and turned into the accounting/front office. Card reconciliations should be performed monthly to ensure all receipts are present and all purchases have been made in accordance with School and state policy.
5. If cards are assigned to specific employees, the card user shall retain all receipts for purchases made with public funds. The card user shall review and reconcile the card statement activity each month and attach all receipts to the card statement. The card user should sign their card statement certifying that all purchases have been made in accordance with School and state policy.
6. Administration (or designee) must review each card holder's statement, along with all receipts, for approval. Approval should be documented.
7. An employee with oversight over the card user(s) should be responsible for providing authorization.
8. Individual expenditures made on purchase or credit cards shall be recorded in the School's accounting records. The issuance of a check or an electronic funds transfer to pay the monthly card statement balance shall be documented and approved by administration prior to issuance.
9. ATM transactions, cash advances, or personal use are strictly prohibited.
10. Violation of purchase card policy, including not retaining documentation of purchases or making personal purchases, may result in card cancellation, disciplinary action, or criminal prosecution.
11. Transaction, daily, or monthly limits will be established based on purchasing authority.
12. Administration or employees designated by the School will develop an internal review plan to periodically select credit/purchase card statements to verify that School policies and procedures are being followed and that purchases are appropriate, documented, and coded to the proper funding sources.
13. If the card is lost or stolen, immediately contact the appropriate authority.

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K. Travel Expenditure Procedure

1. Mileage

- a. Mileage reimbursement forms must be completed by employees within 45 days of return from travel. The form must include the dates and purpose of travel, destination(s), time of departure and return, and mileage.
- b. A travel authorization form must be completed prior to registration for conferences and events and approved by the employees' immediate supervisor. The form must include the dates and purpose of travel, destination, estimate of travel cost, lodging and per diem costs. Supporting documentation is required for each traveler. Each traveler must complete an authorization form. Authorizations must be approved prior to purchase or booking of any travel arrangements. In-state travel must be approved by the employee's immediate supervisor. An administrator or employee's immediate supervisor may be the director or Board chair.
- c. Out-of-state travel must be approved by the immediate supervisor and applicable administrator. An administrator or employee's immediate supervisor may be the director or Board chair.

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2. Travel Reimbursement

- a. A travel reimbursement form must be completed within 30 days of return from travel. Lodging, airfare, taxi, parking, or other transportation and baggage fees paid by the employee require receipts to be reimbursed. Expenditures not supported by receipts will not be reimbursed, unless expressly approved by the supervisor in extraordinary circumstances. Per diem reimbursement requests must be included on the travel reimbursement form or on a completed mileage log. Conference agendas, completed mileage logs, or other documentation supporting times of departure and return are required for per diem meal reimbursements.

L. Reimbursement Requests Procedures

- 1. Employees seeking reimbursement for School expenditures made with employee funds must complete a reimbursement request form, which is signed by the requestor and approved by the employee's immediate supervisor. An administrator's or employee's immediate supervisor may be the director or Board chair.
- 2. Supporting documentation, including detailed receipts and justification for departure from the standard purchase order process, is required. Authorization must be documented by the immediate supervisor.

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M. Purchase Orders Procedures

- 1. An expenditure authorization form (purchase order or requisition) is required for all purchases. Employees initiating an expenditure shall complete the authorization form, including documentation of any required quotes, before a purchase is initiated. The completed form and documentation shall be submitted to the immediate supervisor or designated business officer for the department.
- 2. The designated business officer for the department will review completed expenditure authorization forms and any supporting quotes and approve the purchase. This approval signature is required prior to the initiation of a purchase.
- 3. Shipment of goods should be addressed and delivered to the School.

4. Invoices and complete packing slips should be initiated by the receiver of the goods, indicating that all goods were received and that payment should be processed.
5. The accounting/front office shall compare invoices and packing slips to the expenditure authorization form prior to processing payment (see School Issuance of Checks).

N. School Issuance of Checks Procedures

1. All checks, check stock, access to bank accounts, and bank statements shall be kept secured and controlled by the accounting/front office with limited access. Passwords should be kept secured and changed periodically.
2. An employee who does not have the ability to issue checks shall review the issued check and accompanying supporting documentation to ensure all policies and procedures are followed prior to signing the check.
3. Each disbursement shall be substantiated with supporting documentation, such as a purchase order, invoice, receipts, quotes (according to the procurement policy above), reimbursement forms, shipping documents, contracts, travel forms, etc. All expenditures shall be recorded in the School's accounting records.
4. Signature stamps should not be utilized, and blank checks or checks made payable to "cash" or "bearer" should never be signed.
5. Endorsed checks should be mailed by an employee outside of the cash disbursement process, if possible.
6. It may be necessary to void a check. If this occurs, the word "VOID" should be written on the check, and the actual check shall be retained.

O. Journal Entries/Electronic Fund Transfers Procedures

1. All electronic fund transfers and journal entries shall be kept secured and controlled by the accounting/front office with limited access. Passwords should be kept secured and changed periodically.
2. Each journal entry or electronic fund transfer should be substantiated by supporting documentation.
3. Each journal entry or electronic fund transfer should be recorded in the School's accounting records.
4. Administration or an individual without cash disbursement duties shall document approval of journal entries or electronic fund transfers.
5. Monthly, the School's audit committee or designee should review and approve the journal entries and electronic fund transfers.

P. Review Process

1. Monthly, bank reconciliation(s) should be performed on all School approved accounts, including credit card transactions. If the bank reconciliation is completed by someone who has access to the accounting system and bank accounts, it should be reviewed and approved by another person, such as the director or director, business administrator, or a member of the audit committee or Board.
2. Monthly, administration should review bank statements and bank reconciliations, as well as credit card statements, and document the review and approval. The School's audit committee or School management should ensure that monthly bank reconciliations and credit/purchase card statement reconciliations are occurring.
3. A check register should be reviewed when signing checks to ensure all disbursements are reviewed and approved.
4. Periodically, administration or designated members of management shall review cash disbursements to verify that all School and State policies and procedures are being followed.

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Q. Training

School employees that handle cash should receive training as established by Board Administrative Rule 277-113-4.

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R. Review of Policy

This policy is to be reviewed annually as set forth by Board Administrative Rule 277-113-4.

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Student Conduct and Discipline Policy

1. PURPOSE, BELIEFS, AND PHILOSOPHY

1.1 Purpose

The purpose of the Voyage Academy (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 recognizes that student discipline is essential to maintaining a healthy environment. The School has clear expectations shared with teachers, parents, and students about appropriate behavior. School rules can be found on the School Website, and will be promoted in each classroom. Since teachers are the daily administrators of the classroom, School teachers are responsible for the majority of minor discipline issues and are responsible for providing an environment that promotes respectful seekers of learning and social and civic responsibility as clearly stated in the School’s mission statement.

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 and guardians 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.
- Most 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:

- 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 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 request a hearing with the School's Board of Directors (the "Board") in accordance with the School's Grievance Policy.

- 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 Grievance Policy.

3. DEFINITIONS

3.1 Suspension

For purposes of this policy, suspension is a temporary removal of a student from School and School-sponsored activities for a period of up to one (1) year. A student who is suspended may, at the Director's discretion, have access to homework, tests, and other schoolwork through a home study program but will not be allowed to attend classes or participate in any School activities during the period of suspension.

3.2 Expulsion

For purposes of this policy, expulsion means the formal process of dismissing a student from School. Recognizing that students who commit violent or disruptive acts may pose safety problems, the School will work with parents to provide alternative educational placement and programs for the student where appropriate and feasible. However, the Director retains the authority to exclude the student from all 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 (i) because they total more than ten (10) school days in a school year, (ii) the student's behavior is substantially similar to the



student's behavior in previous incidents that resulted in the series of removals, and (iii) because of such additional factors 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 minor 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 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 no emancipated.

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

4.1 Suspension

4.1.1 A student may be suspended from School for any of 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 destruction or defacing 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 law;

[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, Cyber-bullying, Hazing, Abusive Conduct, and Retaliation Policy.

4.1.2 A student shall be suspended or expelled from School for:

[a] any serious violation affecting another student or a staff member, or any serious violation occurring in a School building, in or on School property, or in conjunction with any 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 or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities; or

(iii) 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; or

[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.

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; 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, using a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from 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 Director, a Board member, and a teacher or other staff member selected by them, accompanied by a parent or legal guardian; 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 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



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 or guardian.

[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, Cyber-bullying, Hazing, Abusive Conduct, and Retaliation Policy, which is available on the School's website.

4.7 Major and Minor Misconduct

The School reserves the right to judge the severity of any single infraction or the persistence of patterns of behavior that are disruptive to the learning environment. Student misconduct can be divided into two general types: major misconduct and minor misconduct. General education teachers will oversee consequences that fall under "Minor Misconduct". When Minor Misconduct behaviors begin to show a continual pattern, teachers will begin the process to involve the School Administration and when appropriate, request help from the School Counselor.

4.7.1 Minor Misconduct

"Minor misconduct" generally includes a situation where the physical, emotional, or social safety of students or staff is not seriously threatened but where there is a problem to be resolved, often violations of student behavior expectations and norms. Common examples of minor misconduct include: dress code violations, disrespect (put downs, teasing, talking back, and defiance), public displays of affection, inappropriate language or gestures, tardiness, disruptive behavior, general noncompliance, playful fighting that results in harm, playing with an item that intimidates a weapon, destruction of school property due to mistreatment, stealing/lying, academic cheating, disruptive behavior or a pattern of not following directions in a timely manner.

The Director, in consultation with teachers and staff, shall determine appropriate student behavior. Written standards and norms for student behavior expectations shall be discussed and posted in the School and/or classrooms. Teachers are responsible for handling minor misconduct or violations of these norms. Chronic or excessive minor misconduct shall be referred to the Director.

General guidelines for handling minor misconduct by a teacher or the Director may include: email or phone call communication with parents, student trackers/incentive programs, student discussion with the



teacher, teacher conference with the student’s parents, think sheets, refocus area (an area outside of the classroom in which the student can refocus under supervision), student discussion with the Director, and Director conference with student’s parents.

4.7.2 Minor Misconduct

“Major misconduct” generally includes willful and wanton acts of disrespect toward School staff members, students, or property, often resulting in suspension, expulsion, and/or prosecution as explained in the sections above. Common examples of major misconduct include: physical fighting with the intent to do bodily harm, threatening behavior, bullying and cyber-bullying, hazing, harassment, theft or attempted theft, defacing property of the School or others, and other illegal behaviors.

Major misconduct shall be referred to the Director who will handle it in accordance with this policy.

5. AUTHORITY TO SUSPEND OR EXPEL

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

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

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

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

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

Subject to the requirements for due process set forth in Section 9, below, the Director may suspend a regular education student for longer than ten (10) days 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/guardian 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 or legal guardian is responsible for undertaking an alternative education plan that will ensure that the student's education continues during the period of expulsion. The parent or guardian 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 or guardian.

5.3.2 The parent or guardian 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 or guardian of each student under age 16 who has been expelled from all School programs and services at least once a month to determine the student's progress if the parent/guardian 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 or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

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 Director or a teacher or counselor designated by the Director will work with students who engage in disruptive student behavior according to the procedures identified in Section 7, below, in an attempt to help the student's behavior to improve and to prevent problems from escalating. Incidents of disruptive student behavior and attempts to resolve behavior issues will be documented.

6.2 Notice of Disruptive Student Behavior

6.2.1 Authorization

The Director is authorized to issue notices of disruptive student behavior to students who are qualifying minors.

6.2.2 Criteria for Issuing Notice

The Director will issue a "notice of disruptive student behavior" to a qualifying minor who:



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

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

6.2.3 Contents of Notice

The 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 Director and the Board in correcting the student's disruptive student behavior; and

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

6.2.4 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 Criteria for Issuing Notice

The Director may issue a “habitual disruptive student behavior notice” to a qualifying minor who:

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

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

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

6.3.2 Notice to Parents

Within five (5) days after the day on which a habitual disruptive student behavior notice is issued, the Director shall provide documentation to a parent of the qualifying minor who receives the notice of the



efforts made by a School representative under Section 7, below.

6.4 Responses to School-Based Behavior

6.4.1 Definitions

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

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

[c] “Youth court” means the same as that term is defined in Utah Code Ann. § 78A-6-1203, including that it is a diversion program that provides an alternative disposition for cases involving juvenile offenders 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 Utah Code Ann. § 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 Utah Code Ann. § 53G-8-211 with respect to referring a minor who is alleged to have committed an offense on school property or that is truancy. In accordance with Utah Code Ann. § 53G-8-211:

[a] if the alleged offense is a class C misdemeanor, an infraction, a status offense on School property, or truancy, the minor may not be referred to law enforcement or court but may be referred to alternative school-related interventions, including:

(i) a mobile crisis outreach team, as defined in Utah Code Ann. § 78A-6-105;

(ii) a receiving center operated by the Division of Juvenile Justice Services in accordance with Utah Code Ann. § 62A-7-104;

(iii) a youth court or comparable restorative justice program; or

(iv) other evidence-based interventions created and developed by the School or other governmental



entities as set forth in Utah Code Ann. § 53G-8-211(3)(a)(v).

[b] if the alleged offense is a class B misdemeanor or a nonperson class A misdemeanor, the minor may be referred directly to the juvenile court by the Director or the Director’s designee, or the minor may be referred to the alternative interventions described above. However, documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor must be provided prior to referring the minor to the juvenile 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) days or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so extreme or violent that immediate removal is warranted, good faith efforts shall be made to implement a remedial discipline plan to allow the student to remain in the School.

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

- 7.1.1** Talking with the student;
- 7.1.2** Class schedule adjustment;
- 7.1.3** Phone contact with the parent or legal guardian;
- 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 (ISS);
- 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

As part of a remedial discipline plan for a student, the School may require the student's parent or guardian, 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 or guardian 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) DAYS OR LESS

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

8.1 The Director shall notify the student's custodial parent or guardian 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 or guardian to meet with the Director to review the suspension.

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

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

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

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

8.4 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.

8.5 If the student denies the charges, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to the Director.

8.6 In general, the notice and informal conference shall precede the student's removal from the School.

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

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



9.1 If the Director believes that a student should be suspended for more than ten (10) days or expelled, the Director may make the initial decision and shall meet with the student’s parent or guardian 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 Director shall also notify the non-custodial parent of the suspension or expulsion as outlined in Section 8.2 of this policy.

9.2 Notice to Student and Parent/Guardian

During the meeting required in Section 9.1, the Director shall provide the student’s parent or guardian with written notice that includes all of the following elements (or, if the student’s parent or guardian refuses to meet, the Director shall send the notice by certified mail, return receipt requested, to the student's parent or legal guardian 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 Director with written notice within ten (10) school days of the parent or guardian’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;

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 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 Director’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 or guardian agrees otherwise.



9.3.2 A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian that the Due Process Hearing will be conducted before the Board and of the following information:

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

9.3.3 The Board 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 Board chairman 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; and
- [d] the Board 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.

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 Special Education Rules shall be followed, including prior written notice to parents or guardians 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 Utah State Board of Education.

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.

For quick reference, the table below outlines an IEP team's responsibilities with respect to disciplinary actions for students with a disability under the IDEA:

Fewer Than 10 Days (Short-Term Removal)	More Than 10 Days (Long-Term Removal)
<ul style="list-style-type: none"> • No educational services (FAPE) required unless provided to non-disabled students. • Not a change of placement. • No manifestation determination required. • No functional behavior assessment or behavior intervention plan required. 	<ul style="list-style-type: none"> • Student must receive services determined to be necessary for student to progress in the general curriculum and advance toward IEP goals. • A change of placement. • IEP team must meet. • Review IEP.



	<ul style="list-style-type: none">• Consider special factors, supplementary aide, and services (BIP).• Determine if more assessment data needed• Conduct FUBA.• Develop and implement BIP.
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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) 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) 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) 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.

10.8 Summary Table

For quick reference, the table below outlines an IEP team's responsibilities with respect to disciplinary actions and manifestation determinations for students with a disability under the IDEA:

Determined that misconduct was a manifestation of disability	Determined that misconduct was not a manifestation of disability but the result of the	Determined that misconduct was not a manifestation of disability (the IEP team
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	school's failure to implement the IEP	determines)
<ul style="list-style-type: none"> • Conduct a FUBA and Develop a Bip, or review existing FUBA and BIP to modify as necessary to address the behavior. • Return the student to previous placement unless (1) the offense involved weapons, drugs, or serious bodily injury or (2) parent and School agree to a change of placement as part of the modification of the IEP. 	<ul style="list-style-type: none"> • School must take immediate steps to remedy those deficiencies. 	<ul style="list-style-type: none"> • The IAES for services if the removal is a change of placement and the behavioral falls under weapons, drugs, or serious bodily injury.

11. ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN

11.1 Elements of Plan

The Director will develop, with input from administration, instruction and support staff, students, parents, and other community members, a Student Conduct and Discipline Plan. The plan shall be comprehensive, clearly written, consistently enforced, and include the elements outlined in R277-609-4 (some of the required elements are already included in this policy or other policies of the School).

11.2 Plan Consistent with this Policy

The administrative Student Conduct and Discipline Plan shall be consistent with this policy, including without limitation the provisions in Section 6 regarding notices of disruptive student behavior and the emergency safety intervention policies and procedures set forth in Section 18.

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

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

14.1 General Investigation Guidelines for Director

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

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

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

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

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

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

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

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

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



14.2 Coordination with Law Enforcement

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

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

- [a] conduct an investigation of alleged criminal conduct on the School premises or during a School-sponsored activity;
- [b] maintain a safe and orderly educational environment; or
- [c] maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.

14.2.2 Investigation of Criminal Conduct

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

- [a] The Director shall request that law enforcement officers conduct an investigation during school hours and question students who are potential witnesses to the alleged criminal behavior.
- [b] The School official shall inform the student's parent or legal guardian 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 or legal guardian 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 Director shall document the contact or attempted contact with the student's parents or legal guardian. If the Director cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Director shall be present and document generally what occurs during the interview.
- [f] The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer.



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

14.2.3 Investigation Initiated by Law Enforcement Authorities

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

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

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

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

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

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

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

(v) Directory information is limited to a student's name, home address, date of birth, phone number, class schedules and parents' address and phone numbers for use in case of emergency.

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 or legal guardian 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 or legal guardian immediately except in cases of child abuse and neglect. Such effort shall be documented.

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



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

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

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

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

14.2.5 Quelling Disturbances of School Environment

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

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



Director, 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 Director 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 Director 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 Director, 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 Director 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, 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 as the student being searched;

[b] The search shall be observed by an objective third party of the same sex as the student being searched



(i.e., Director, teacher, police officer);

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

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

[e] If this limited search does not turn up suspected contraband and School officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

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

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-8-402-405

17.1 Board and Director Notification by Juvenile Court and Law Enforcement Agencies.

17.1.1 Within three (3) days of being notified by the juvenile court that a juvenile has been adjudicated or of being notified by a law enforcement agency that a juvenile has been taken into custody or detention for a violent felony, defined in Utah Code Ann. § 76-3-203.5, or an offense in violation of Title 76, Chapter 10,



Part 5 Weapons, the President of the Board shall notify the Director.

17.1.2 Upon receipt of the information, the Director shall make a notation in a secure file other than the student's permanent file; and, if the student is still enrolled in the School, the Director shall notify staff members who should know of the adjudication, arrest or detention.

17.1.3 Staff members receiving information about a juvenile'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 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.

17.2.1 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.

17.2.2 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), or unless the student's parent or guardian has authorized disclosure.

18. EMERGENCY SAFETY INTERVENTIONS

A School employee may not subject a student to physical restraint or seclusionary time out unless utilized as a necessary emergency safety intervention (“ESI”) in compliance with this Section.

18.1 Definitions

18.1.1 An “ESI” is the use of seclusionary time out or physical restraint when a student presents an immediate/imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm. An ESI is not for disciplinary purposes.

18.1.2 “Physical restraint” means a personal restriction that immobilizes or significantly reduces the ability of a student to move his or her arms, legs, body, or head freely.

18.1.3 “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.



18.1.4 “Seclusionary time out” means that a student is placed in a safe enclosed area, isolated from adults and peers, and the student is, or reasonably believes, he or she will be prevented from leaving the area. The safe enclosed area must meet the fire and public safety requirements described in R392-200 and R710-4.

18.2 General Procedures

18.2.1 Teachers and other personnel who may work directly with students shall be trained on the use of effective alternatives to ESI as well as the safe use of ESI and a release criteria.

18.2.2 An ESI shall:

- [a] be applied for the minimum time necessary to ensure safety;
- [b] implement an appropriate release criteria;
- [c] be discontinued as soon as imminent danger of physical harm to self or others has dissipated;
- [d] be discontinued if the student is in severe distress;
- [e] never be used as punishment or discipline;
- [f] be applied consistent with the School’s administrative Student Conduct and Discipline Plan; and
- [g] in no instance be imposed for more than 30 minutes.

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 Least Restrictive Behavioral Interventions (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 which meet the circumstances described in R277-608-5 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 A School employee may, in accordance with Section 18.2.2 and when acting within the scope of



employment, use and apply physical restraint as an ESI in self defense or as may be reasonable and necessary under the following circumstances:

[a] to protect the student or another person from physical injury;

[b] to remove from a situation a student who is violent;

[c] to take possession of a weapon or other dangerous object in the possession or under the control of a student; or

[d] to protect property from being damaged, when physical safety is at risk.

18.4.2 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 seatbelts or safety equipment used to secure students during transportation, other appropriate protective or stabilizing restraints, and devices used by a law enforcement officer in carrying out law enforcement duties; or

[e] chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student's Health Care Plan.

18.4.3 Nothing in this Section prohibits a School employee from using less intrusive means, including a physical escort, to address circumstances described in Section 18.4.1.

18.5 Seclusionary Time Out

A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, place a student in seclusionary time out as an ESI under the following circumstances:

18.5.1 the student presents an immediate danger of serious physical harm to self or others;

18.5.2 any door remains unlocked; and



18.5.3 the student is within line sight of the employee at all times.

18.6 Notification

18.6.1 If an ESI is used, the School or employee shall immediately notify the student's parent/guardian and School administration.

18.6.2 In addition to providing the notice described in Section 18.6.1, if the ESI is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and School administration.

18.6.3 Parent notifications made under this Section shall be documented in the student information system as required by R277-609-10(3)(d)).

18.6.4 Within 24 hours of using ESI, the School shall notify the parent/guardian that they may request a copy of any notes or additional documentation taken during the crisis situation.

18.6.5 Upon request of a parent/guardian, the School shall provide a copy of any notes or additional documentation taken during a crisis situation.

18.6.6 A parent/guardian may request a time to meet with School staff and administration to discuss the crisis situation.

18.7 Emergency Safety Intervention (ESI) Committee

18.7.1 The School shall establish an ESI committee that includes:

[a] at least two administrators (if there are at least two administrators employed by the School);

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

[c] at least two certified educational professionals with behavior training and knowledge in both state rules and the School's conduct and discipline policies.

18.7.2 The ESI committee shall:

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

[b] determine and recommend professional development needs;

[c] develop policies for dispute resolution processes to address concerns regarding disciplinary actions;



and

[d] create and communicate methods for evaluation of the efficiency and effectiveness of the Schools' rules and standards.

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

18.7.4 The School shall annually provide documentation of any School use of ESI to the State Superintendent of Schools.

18.7.5 The School shall submit all required UTREx discipline incident data elements to the State Superintendent of Schools as required by law. The School shall submit all required UTREx discipline incident data elements as part of the LEA's daily UTREx submission.

18.8 Corporal Punishment

School employees may not inflict or cause the infliction of corporal punishment upon a student. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination.

19. TRAINING

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

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

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

20. POLICY AND DISSEMINATION AND REVIEW

20.1 The School shall compile an annual report of all out-of-school suspensions and expulsions and submit it to the Board. For each suspension or expulsion, the report shall indicate the student's race, gender, disability status, and age/grade, as well as the reason for the discipline, the length of the discipline, and a statement as to whether the student was referred to the Board.



20.2 This policy shall be posted in the School and on the School’s website. The policy shall also be provided in student registration materials and other appropriate school publications as directed by the Board.

20.3 This policy shall be reviewed as necessary with appropriate revisions recommended to the Board.