



Board of Trustees

08/18/2022 03:00 PM

Anchor Location: 1353 W 760 N




Orem, Utah 84057



This meeting will be held via teleconference.

AGENDA

CLICK HERE TO WATCH THE LIVE BROADCAST.

(<https://simbli.eboardsolutions.com/SU/UbK4bzVubPi0fU0RldpoZQ==>)

1. Board Meeting Welcome and Roll Call	5
2. Pledge of Allegiance 	6
3. Public Comment	7
The Board of Trustees encourages public engagement and places public comment on the agenda at the Board's discretion.	
<ul style="list-style-type: none"> • Members of the public wishing to speak to the Board of Trustees must state their name for the official meeting record. • Speakers will be given up to three (3) minutes to address the Board of Trustees. Speakers requesting large groups may request up to six (6) minutes to address the Board of Trustees. • The public may address any issue not already included on the agenda. • The Board of Trustees will not take public comment on personnel issues or statements regarding the character, professional competence, and the physical or mental health of an individual during a board meeting. • The Board of Trustees is unable to deliberate or take action on items raised during the public comment period that are not on the meeting agenda. • The board does not respond to comments or questions posed by an individual during the public comment period. • The presiding board officer, at his/her discretion, reserves the right to end public comment at any time. 	
The public may also reach the Board by emailing feedback@lumenscholar.org(https://simbli.eboardsolutions.com/SU/KbutjKplusohc1qUv0plusslshplussy5A==)	
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- a. Zoom Invoice  2022-2023 Zoom services. 27
- b. Computer and Technology Purchase 31
Consideration of board computers and technology.
- c. Library Materials Policy  32
New Law and Rule Affecting School Libraries

During the past legislative session, a law was passed (Utah Code § 53G-10-103) that defines and prohibits “sensitive materials” in public schools. Per the new law, “sensitive materials” is defined as “an instructional material that is pornographic or indecent material as that term is defined in Section 76-10-1235.” The new law specifically states that such materials are prohibited in public school libraries.


Additionally, on June 2, 2022, the Utah State Board of Education passed a new rule (R277-628) that requires each LEA to adopt a library materials policy and procedures by September 1, 2022 (this has since been extended to October 1, 2022). At a minimum, the library materials policy and procedures must address how the LEA will select library materials and how it will handle requests to reconsider selected library materials if any such materials are challenged. An LEA’s library materials policy must comply with current state and federal law, including the new law on sensitive materials addressed above.

R277-628 also requires the USBE to adopt a model library materials policy so that LEAs can use the model policy as a guide/help for when they are developing their own library materials policy and procedures. The USBE adopted that model policy at its meeting on July 26, 2022.

New Library Materials Policy

The proposed Library Materials Policy addresses the new law and rule and utilizes some of the basic policy statements and requirements from the USBE model policy. It also requires the school’s administration to establish administrative procedures that set forth the criteria and process by which the school will select, remove, and handle challenges or other requests for review of materials in the school’s library collection. The policy explains that any such criteria and process must comply with applicable law and rule and be consistent with the school’s mission and vision.

The proposed policy is short in length but broad in application. The administrative procedures that will be established under the policy will be longer in length and detailed. Adopting such a policy and establishing such administrative procedures by October 1, 2022 should put the school in compliance with Utah Code § 53G-10-103 and R277-628.

- d. Bullying, Cyber-Bullying, Hazing, Retaliation, and Abusive Conduct Prohibition and Prevention Policy Amendment  36
The current policy is over five years old and needs updates to be in line with current requirements. The proposed policy revamps the old policy with required concepts and sections, updated definitions, etc. It’s very similar in substance to the current policy, but it’s formatted differently and includes requirements established by the law and USBE rule.

7. Board Business	45
a. Calendaring	46
Next Board Meeting: September 15, 2022 at 3 PM	
8. Closed Session in Accordance with the Utah Open and Public Meetings Act	47
<i>A motion to enter a closed session in accordance with Utah Code 52-4-205 for one of the allowed purposes:</i>	
<ul style="list-style-type: none"> • <i>To discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(l)(a).</i> • <i>To discuss collective bargaining pursuant to Utah Code 52-4-205(l)(b).</i> • <i>To discuss pending or reasonably imminent litigation pursuant to Utah Code 52-4-205(l)(c).</i> • <i>To discuss the purchase, exchange, or lease of real property pursuant to Utah Code 52-4-205(l)(d).</i> • <i>To discuss the deployment of security personnel, devices, or systems pursuant to Utah Code 52-4-205(l)(f).</i> 	
9. School LAND Trust Council	48
10. Adjourn	49

In compliance with the Americans with Disabilities Act, individuals needing special accommodations for this meeting should call (801) 987-9497 to make appropriate arrangements. One or more board members may participate electronically or telephonically pursuant to UCA 52-4-7.8.



1. Board Meeting Welcome and Roll Call

2. Pledge of Allegiance

Supporting Links

USA Flag - <https://simbli.eboardsolutions.com/SU/OD2KpwSZB2MDI4VqxRZNiA==>

3. Public Comment

Quick Summary / Abstract

The Board of Trustees encourages public engagement and places public comment on the agenda at the Board's discretion.

- Members of the public wishing to speak to the Board of Trustees must state their name for the official meeting record.
- Speakers will be given up to three (3) minutes to address the Board of Trustees. Speakers requesting large groups may request up to six (6) minutes to address the Board of Trustees.
- The public may address any issue not already included on the agenda.
- The Board of Trustees will not take public comment on personnel issues or statements regarding the character, professional competence, and the physical or mental health of an individual during a board meeting.
- The Board of Trustees is unable to deliberate or take action on items raised during the public comment period that are not on the meeting agenda.
- The board does not respond to comments or questions posed by an individual during the public comment period.
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The public may also reach the Board by emailing
feedback@lumenscholar.org (<https://simbli.eboardsolutions.com/SU/KbutjKplusohc1qUv0plusslshplusi5>).


4. Consent Calendar

4. a. July 21, 2022 Board Meeting Minutes

Supporting Documents

 2022.07.21 Board Meeting Minutes DRAFT - LSI

Meeting Minutes

 07/21/2022 - Board of Trustees



MEETING MINUTES

Board of Trustees
07/21/2022 03:00 PM
Anchor Location: 1353 W 760 N
Orem, Utah 84057

This meeting was held via teleconference.

Attendees

Voting Members

Ms. Andrea Urban, President
Ms. Rachel Skinner, Vice President
Ms. Karen Aston, Secretary
Ms. Amber Wright, Treasurer
Ms. Nancy Willison, Board Member

Voting Members Excused

Ms. Nicole de la Vega

Others in Attendance

Kristy Gordon, Chief Executive Officer
Amy Hart, Director Grades K-8
Jonathan Seal, Director Grades 9-12
Kara Finley
Travis Jones
Platte Nielson

1. Board Meeting Welcome and Roll Call

Andrea Urban called the Board of Trustees meeting to order at 3:04 PM.

2. Pledge of Allegiance

3. Public Comment

No public comment.

4. Consent Calendar

Motion: I move to approve the consent calendar.

Motion made by: Ms. Andrea Urban

Motion seconded by: Ms. Rachel Skinner

Voting:

Ms. Andrea Urban - Yes
Ms. Rachel Skinner - Yes
Ms. Karen Aston - Yes
Ms. Amber Wright - Yes
Ms. Nancy Willison - Yes

Motion passed.

- a. **June 23, 2022 Board Meeting Minutes**
- b. **June 30, 2022 Board Meeting and Closed Session Minutes**

5. Reports

a. Administrative Report

Jonathan Seal provided the administrative report, including the math competency report based on graduation and keyboarding proficiency levels. The Civics report was provided and 90% of the class passed. The Attendance and Truancy Policy has been reviewed by the board and attendance data for the 2021-2022 school year was examined. The Concurrent Enrollment Report was provided along with the courses taken by graduating class. The technology equipment report was shown, and it included the number of outstanding devices. It was requested for additional computer and technology purchase approval, to cover for new students and outstanding devices. Devices being retired are cleared and resold. The Student Discipline Policy was reviewed along with the student behavior report.

b. Finance Report

Travis Jones provided the monthly financial report and discussed the current days cash on hand and upcoming audit. The school is on track to be on budget for FY22.

6. Voting Items

a. Early Learning Program Plan

The Early Learning Plan has been pre-approved by the State Literacy Department. The plan goals cover literacy and mathematics and the plan supports school goals.

Motion: I move to approve the Early Learning Program Plan.

The board discussed the literacy goal being so high and the ability to meet the goal.

Motion made by: Ms. Andrea Urban

Motion seconded by: Ms. Rachel Skinner

Voting:

Ms. Andrea Urban - Yes

Ms. Rachel Skinner - Yes

Ms. Karen Aston - Yes

Ms. Amber Wright - Yes

Ms. Nancy Willison - Yes

Motion passed.

b. General Financial Policy Amendment

This policy sets forth the purchasing levels for Lumen and designates which school personnel are required approve purchases within the various levels. The administration believes it would be prudent to increase the dollar amounts in each purchasing level on account of the dollar amounts of recurring purchases that are made by the school.

Motion: I move to approve the amended General Financial Policy.

Motion made by: Ms. Amber Wright

Motion seconded by: Ms. Nancy Willison

Voting:

Ms. Andrea Urban - Yes

Ms. Rachel Skinner - Yes

Ms. Karen Aston - Yes

Ms. Amber Wright - Yes

Ms. Nancy Willison - Yes

Motion passed.

c. Donations and Fundraising Policy Amendment

The main revision to this policy includes adding language to clarify that Lumen does not engage in or allow fundraising. Because there is no option to fundraise for or on behalf of the school, the section outlining the rules/requirements related to fundraising has been removed. Some small revisions related to gifts and donations have also been added, including with respect to charitable donation receipts and proper use of Lumen's EIN and sales tax exemption number.

Motion: I move to approve the amended Donations and Fundraising Policy.

Motion made by: Ms. Andrea Urban

Motion seconded by: Ms. Karen Aston

Voting:

Ms. Andrea Urban - Yes

Ms. Rachel Skinner - Yes

Ms. Karen Aston - Yes

Ms. Amber Wright - Yes

Ms. Nancy Willison - Yes

Motion passed.

d. Technology and Network Protection Policy Amendment

The Children's Internet Protection Act (CIPA) requires schools to have an internet safety policy, and the policy must include certain provisions. Lumen's Technology and Network Protection Policy contains most of the requirements under CIPA, but proposed revisions have also been made, including an introductory paragraph that stresses the importance of internet safety, a change to the title of the policy to include the phrase "internet safety," and

some citations to applicable law.

Motion: I move to approve the amended Technology and Network Protection Policy to the Technology and Network Protection and Internet Safety Policy.

The standards for teaching appropriate online behavior aren't defined by statute but include specific areas of discussion, and will be determined by the administration. The filtering used by the school to block inappropriate websites was discussed, and the school does its utmost to protect students.

Motion made by: Ms. Rachel Skinner

Motion seconded by: Ms. Andrea Urban

Voting:

Ms. Andrea Urban - Yes

Ms. Rachel Skinner - Yes

Ms. Karen Aston - Yes

Ms. Amber Wright - Yes

Ms. Nancy Willison - Yes

Motion passed.

e. Sex Education Instruction Policy and Data

This type of policy is required of all schools in Utah. The purpose of this policy is to help ensure that any sex education or maturation education curriculum taught complies with the law. This policy requires the Board, per law, to review the policy and certain data, which was provided. The Director is required to establish administrative procedures to help ensure compliance in this area. Revisions to the policy were proposed as the school is teaching high school students.

Motion: I move to approve the Sex Education Instruction Policy with discussed revisions.

Motion made by: Ms. Andrea Urban

Motion seconded by: Ms. Rachel Skinner

Voting:

Ms. Andrea Urban - Yes

Ms. Rachel Skinner - Yes

Ms. Karen Aston - Yes

Ms. Amber Wright - Yes

Ms. Nancy Willison - Yes

The board discussed revisions to the county data being reviewed.

Motion passed.

f. Health Education Curriculum Materials Review Committee and Curriculum

The Health Education Committee composition was discussed and the curriculum is the same as it has been years previous.

Motion: I move to approve the Health Education Committee framework composition and curriculum.

Motion made by: Ms. Andrea Urban

Motion seconded by: Ms. Amber Wright

Voting:

Ms. Andrea Urban - Yes

Ms. Rachel Skinner - Yes

Ms. Karen Aston - Yes

Ms. Amber Wright - Yes

Ms. Nancy Willison - Yes

Motion passed.

g. Computer and Technology Purchase

Jonathan Seal discussed the need to purchase around fifty computers and the anticipated cost through a state contract vendor.

Motion: I move to approve the computer and technology purchase up to \$70,000.

Motion made by: Ms. Rachel Skinner

Motion seconded by: Ms. Nancy Willison

Voting:

Ms. Andrea Urban - Yes

Ms. Rachel Skinner - Yes

Ms. Karen Aston - Yes

Ms. Amber Wright - Yes

Ms. Nancy Willison - Yes

Motion passed.

7. Board Business

a. Calendaring

The next Board of Trustees meeting is scheduled for August 18, 2022 at 3 PM.

8. Closed Session in Accordance with the Utah Open and Public Meetings Act

No closed session held.

9. Adjourn

Motion: I move to adjourn the board meeting.

Motion made by: Ms. Rachel Skinner

Motion seconded by: Ms. Andrea Urban

Motion passed.

Board meeting adjourned at 4:15 PM.

DRAFT



Board of Trustees
07/21/2022 - 03:00 PM
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MEETING MINUTES

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Motion seconded by: Ms. Rachel Skinner

Voting:

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Motion passed.

a. June 23, 2022 Board Meeting Minutes

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Motion seconded by: Ms. Andrea Urban

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07/21/2022 - 03:00 PM
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Motion seconded by: Ms. Nancy Willison
Voting:

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Motion passed.

7. Board Business

a. Calendaring

The next Board of Trustees meeting is scheduled for August 18, 2022 at 3 PM.

8. Closed Session in Accordance with the Utah Open and Public Meetings Act

No closed session held.

9. Adjourn

Motion: I move to adjourn the board meeting.
Motion made by: Ms. Rachel Skinner
Motion seconded by: Ms. Andrea Urban

Motion passed.
Board meeting adjourned at 4:15 PM.

5. Reports

5. a. Administrative Report

Contact Person

Kristy Gordon, Chief Administrative Officer
Amy Hart, K-8 Principal
Jonathan Seal, 9-12 Principal

5. b. Finance Report

Contact Person

Travis Jones, Academica West

Supporting Documents



LSI Monthly Financials

Lumen Scholar Institute

Statement of Activities

Created on August 10, 2022
For Prior Month

	Annual June 30, 2023 Budget	Year-to-Date July 31, 2022 Actual	% of Budget
Net Income			
Income			
Revenue From Local Sources	20,000	365	1.8 %
Revenue From State Sources	3,908,955	341,500	8.7 %
Revenue From Federal Sources	93,521	0	0.0 %
Total Income	<u>4,022,476</u>	<u>341,865</u>	<u>8.5 %</u>
Expenses			
Instruction/Salaries	2,291,843	47,081	2.1 %
Employee Benefits	442,196	6,881	1.6 %
Purchased Prof & Tech Serv	464,423	17,236	3.7 %
Purchased Property Services	193,264	12,682	6.6 %
Other Purchased Services	107,764	5,951	5.5 %
Supplies & Materials	485,000	13,367	2.8 %
Debt Services & Miscellaneous	9,267	741	8.0 %
Total Expenses	<u>3,993,757</u>	<u>103,939</u>	<u>2.6 %</u>
Total Net Income	<u>28,719</u>	<u>237,926</u>	<u>828.5 %</u>

Lumen Scholar Institute
Statement of Financial Position
Created on August 10, 2022
For Prior Month

	Period Ending 07/31/2022 <u>Actual</u>	Period Ending 07/31/2021 <u>Actual</u>
Assets & Other Debits		
Current Assets		
Operating Cash	2,043,171	1,991,889
Accounts Receivables	143,999	5,489
Other Current Assets	5,366	5,366
Total Current Assets	<u>2,192,536</u>	<u>2,002,744</u>
Net Assets		
Fixed Assets	122,321	107,720
Depreciation	(48,581)	(56,835)
Total Net Assets	<u>73,740</u>	<u>50,885</u>
Total Assets & Other Debits	<u>2,266,276</u>	<u>2,053,629</u>
Liabilities & Fund Equity		
Current Liabilities	149,081	46,966
Fund Balance	<u>1,879,269</u>	<u>1,677,364</u>
Net Income	<u>237,926</u>	<u>329,299</u>
Total Liabilities & Fund Equity	<u>2,266,276</u>	<u>2,053,629</u>

6. Voting Items

6. a. Zoom Invoice

Contact Person

Kristy Gordon

Quick Summary / Abstract

2022-2023 Zoom services.

Supporting Documents



LSI Zoom invoice

Invoice



Zoom Video Communications Inc.
55 Almaden Blvd, 6th Floor
San Jose, CA 95113

Invoice Date: Jul 1, 2022
Invoice #: INV155427497
Payment Terms: Net 30
Due Date: Jul 31, 2022
Account Number: 934729
Currency: USD
Account Information: Lumen Scholar Institute

Federal Employer ID Number: 61-1648780

For ACH and Wire Transfer payment:
Account Name: Zoom Video Communications, Inc.
Bank Name: Wells Fargo Bank
Account Number: 3088920149
Routing Number(WT): 121000248
Routing Number(ACH): 121042882
SWIFT Code: WFBUS6S

OR send check payment to:
Zoom Video Communications, Inc.
PO Box 888843
Los Angeles, CA
90088-8843

Sold To Address: 1353 West 760 North,
Orem, Utah 84057
United States
(801) 987-9497
jseal@lumenscholar.org

Remittance Details should be sent to: Finance@zoom.us

Purchase Order Number:

Tax Exempt Certificate ID: N32924

[Zoom W-9](#)

Charge Details

CHARGE DESCRIPTION	SUBSCRIPTION PERIOD	SUBTOTAL	TAXES, FEES & SURCHARGES	TOTAL
Charge Name: Cloud Recording 3 TB - overage fee				
Quantity: 15,086 Unit Price: \$0.00	Jun 1, 2022-Jun 30, 2022	\$0.00	\$0.00	\$0.00
Charge Name: Zoom Phone Monthly Usage - overage fee				
For phone detail, please refer to your telephony report under Account Management, Reports, Phone System, and select Charge at the top of the page	Jun 1, 2022-Jun 30, 2022	\$0.00	\$0.00	\$0.00
Charge Name: Zoom Phone Pay As You Go				
Quantity: 1	Jul 1, 2022-Jul 31, 2022	\$0.00	\$0.00	\$0.00

Unit Price: \$0.00

Charge Name: Cloud Recording One Year Prepay 3 TB Monthly Usage

Quantity: 1	Jul 1, 2022-Jun 30, 2023	\$28,000.00	\$0.00	\$28,000.00
Unit Price: \$28,000.00				

Charge Name: Education Annual

Quantity: 70	Jul 1, 2022-Jun 30, 2023	\$5,320.22	\$0.00	\$5,320.22
Unit Price: \$76.00				

Charge Name: Zoom Phone US/Canada Unlimited Calling Named User Annual

Quantity: 70	Jul 1, 2022-Jun 30, 2023	\$11,970.00	\$1,017.15	\$12,987.15
Unit Price: \$171.00				

Charge Name: Webinar 500 Annual PROMO

Quantity: 1	Jul 1, 2022-Jun 30, 2023	\$499.00	\$0.00	\$499.00
Unit Price: \$499.00				

Charge Name: Zoom Rooms Annual

Quantity: 2	Jul 1, 2022-Jun 30, 2023	\$998.00	\$0.00	\$998.00
Unit Price: \$499.00				

Subtotal	\$46,787.22
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Total (Including Taxes, Fees & Surcharges)	\$47,804.37
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Invoice Balance	\$47,804.37
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Taxes, Fees & Surcharge Details

CHARGE NAME	TAX, FEE OR SURCHARGE NAME	JURISDICTION	CHARGE AMOUNT	TAX, FEE OR SURCHARGE AMOUNT
Zoom Phone US/Canada Unlimited Calling Named User Annual	FUSF (VoIP)	Federal	\$11,970.00	\$1,017.15
Total (Including Taxes, Fees & Surcharges)				\$1,017.15

Need help understanding your invoice?

[CLICK HERE](#)

Zoom Meetings Basic, Standard Pro and Standard Biz are now called Zoom One Basic, Zoom One Pro and Zoom One Business.

Zoom Phone services provided by Zoom Voice Communications, Inc. Rates, terms and conditions for Zoom Phone services are set by Zoom Voice Communications, Inc.

Want to streamline your ability to pay outstanding invoices? Switch over to ACH today where you can enter your bank credentials online and use this for future payments. Simply navigate to [zoom.us/billing.payment](https://zoom.us/billing/payment) click 'Edit' on the Payment Method section and change your payment method to ACH. Have questions? Go to zoom.us/billing/contactus to learn more.

6. b. Computer and Technology Purchase

Quick Summary / Abstract

Consideration of board computers and technology.

6. c. Library Materials Policy

Contact Person

Platte Nielson, Academica West

Quick Summary / Abstract

New Law and Rule Affecting School Libraries

During the past legislative session, a law was passed (Utah Code § 53G-10-103) that defines and prohibits “sensitive materials” in public schools. Per the new law, “sensitive materials” is defined as “an instructional material that is pornographic or indecent material as that term is defined in Section 76-10-1235.” The new law specifically states that such materials are prohibited in public school libraries.

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R277-628 also requires the USBE to adopt a model library materials policy so that LEAs can use the model policy as a guide/help for when they are developing their own library materials policy and procedures. The USBE adopted that model policy at its meeting on July 26, 2022.

New Library Materials Policy

The proposed Library Materials Policy addresses the new law and rule and utilizes some of the basic policy statements and requirements from the USBE model policy. It also requires the school’s administration to establish administrative procedures that set forth the criteria and process by which the school will select, remove, and handle challenges or other requests for review of materials in the school’s library collection. The policy explains that any such criteria and process must comply with applicable law and rule and be consistent with the school’s mission and vision.

The proposed policy is short in length but broad in application. The administrative procedures that will be established under the policy will be longer in length and detailed. Adopting such a policy and establishing such administrative procedures by October 1, 2022 should put the school in compliance with Utah Code § 53G-10-103 and R277-628.

Supporting Documents



Lumen Library Materials Policy

Policies



[DRAFT] Policy 0560: Library Materials

Policy 0560: Library Materials

Original Adopted Date: 08/18/2022

Purpose

Lumen Scholar Institute (the “School”) does not currently have a library. However, the purpose of this policy and its accompanying regulations is to help ensure that the School provides appropriate library materials that support and enhance student academic learning and personal development in the event the School decides to establish a library in the future.

This policy and its accompanying regulations are intended to satisfy the requirements of Utah Administrative Code Rule R277-628.

Policy

Any library that is established by the School shall promote intellectual and academic freedom by providing students with thoughtful access to a wide range of balanced, relevant, age-appropriate materials. The library shall serve as a learning environment for students and help them acquire the critical thinking and problem-solving skills needed in a pluralistic society. The library shall provide students an opportunity to learn beyond their regular classroom instruction.

The School shall comply with state and federal law and Utah State Board of Education rule in connection with the establishment of any library collection and program. No library collection established by the School shall contain any “sensitive material” as that term is defined by Utah Code § 53G-10-103; that is, the School’s library collection shall not contain any instructional material that is pornographic or indecent material as that term is defined in Utah Code § 76-10-1235.

The School’s criteria for selecting and removing library materials, as well as the School’s process for handling challenges or other requests for review of such materials, shall be consistent with this policy, applicable law and rule, and the School’s mission and vision.

Regulations

The School’s administration shall create administrative regulations that set forth the criteria and process by which the School will select, remove, and handle challenges or other requests for review of materials in any library collection established by the School.

Policy 0560: Library Materials

Status: DRAFT

Original Adopted Date: Pending

Purpose

The purpose of this policy and its accompanying regulations is to help ensure that Lumen Scholar Institute (the “School”) provides appropriate library materials that support and enhance student academic learning and personal development.

This policy and its accompanying regulations are intended to satisfy the requirements of Utah Administrative Code Rule R277-628.

Policy

The School’s library shall promote intellectual and academic freedom by providing students with thoughtful access to a wide range of balanced, relevant, age-appropriate materials. The library shall serve as a learning environment for students and help them acquire the critical thinking and problem-solving skills needed in a pluralistic society. The library shall provide students an opportunity to learn beyond their regular classroom instruction.

The School shall comply with state and federal law and Utah State Board of Education rule in connection with its library collection and program. The School’s library collection shall not contain any “sensitive material” as that term is defined by Utah Code § 53G-10-103; that is, the School’s library collection shall not contain any instructional material that is pornographic or indecent material as that term is defined in Utah Code § 76-10-1235.

The School’s criteria for selecting and removing materials from its library collection, as well as the School’s process for handling challenges or other requests for review of such materials, shall be consistent with this policy, applicable law and rule, and the School’s mission and vision.

Regulations

The School’s administration shall establish administrative regulations that set forth the criteria and process by which the School will select, remove, and handle challenges or other requests for review of materials in the School’s library collection.

6. d. Bullying, Cyber-Bullying, Hazing, Retaliation, and Abusive Conduct Prohibition and Prevention Policy Amendment

Contact Person

Platte Nielson, Academica West

Quick Summary / Abstract

The current policy is over five years old and needs updates to be in line with current requirements. The proposed policy revamps the old policy with required concepts and sections, updated definitions, etc. It's very similar in substance to the current policy, but it's formatted differently and includes requirements established by the law and USBE rule.

Supporting Documents



Policy 1105 Bullying Cyberbullying Harassment Hazing and Retaliation Prohibition and Prevention ...

Policy 1105: Bullying, Cyber-Bullying, Hazing, Retaliation, and Abusive Conduct Prohibition and Prevention

Original Adopted Date: 03/14/2017 | **Last Revised Date:** 08/18/2022 | **Last Reviewed Date:** 08/18/2022

Purpose

The purpose of this policy is to prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct involving Lumen Scholar Institute (the “School”) students and employees. The School’s Board of Trustees (the “Board”) has determined that a safe, civil environment in School is necessary for students to learn and achieve high academic standards and that conduct constituting bullying, cyber-bullying, hazing, retaliation, and abusive conduct disrupts both a student’s ability to learn and the School’s ability to educate its students in a safe environment.

Policy

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

In order to promote a safe, civil learning environment, the School prohibits all forms of bullying of students and School employees (a) on School property, (b) during online classes or other online meetings or events at the School, (c) at School-related or sponsored events, or (d) while students or School employees are traveling to or from School property or School-related or sponsored events.

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

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

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

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

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

Definitions

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

Bullying – For purposes of this policy, “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.

This conduct constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct. In addition, bullying is commonly understood as aggressive behavior that is intended to cause distress and harm; exists in a relationship in which there is an imbalance of power and strength; and is repeated over time.

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

Civil Rights Violations – For purposes of this policy, “civil rights violations” means bullying, cyber-bullying, harassment, abusive conduct, or hazing that is targeted at a federally protected class.

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

Federally Protected Class – For purposes of this policy, “federally protected class” means any group protected from discrimination under federal law, such as:

- (1) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin;
- (2) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;

- (3) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability; and
- (4) Other areas included under these acts which include religion, gender, and sexual orientation.

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

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

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

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

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

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

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

Reporting and Investigation

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

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

Each report of prohibited conduct shall include:

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

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

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

The School may report to OCR all acts of bullying, hazing, cyber-bullying, abusive conduct, or retaliation that the Director and Chief Administrative Officer reasonably determine may be violations of a student's or employee's civil rights.

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

Parental Notification

The Director or his/her designee will timely notify a student's parent/guardian (a) if the student threatens to commit suicide or (b) of any incidence of bullying, cyber-bullying, hazing, abusive conduct, or retaliation involving the student (including if the student is involved as the alleged perpetrator or victim). The Director or his/her designee will attempt to contact the parent/guardian by telephone to

provide this notification and to discuss the matter. If the parent/guardian is not available by telephone, the Director or his/her designee will provide the notification to them by email.

The Director or his/her designee will produce and maintain a record that verifies that the parent/guardian was notified. If an in-person meeting takes place, the Director or his/her designee may ask the parent/guardian to sign the record acknowledging that the notification was provided. If a telephone conversation takes place, the Director or his/her designee may document on the record such details as the date and time of the telephone call, who was spoken to, and brief notes regarding the notification that was provided and the content of the conversation. If an email is sent, the Director or his/her designee will retain a copy of the email. The School will retain the record as long as the student is enrolled at the School and destroy the record after that time. The School will maintain the confidentiality of the record in accordance with Utah Code § 53G-9-604.

Action Plan to Address Reported Incidents of Bullying, Cyber-Bullying, Hazing, Retaliation, and Abusive Conduct

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

The School will investigate all allegations of these incidents by interviewing:

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

The individual who investigates an allegation of an incident will inform an individual being interviewed that:

- (1) to the extent allowed by law, the individual is required to keep all details of the interview confidential; and
- (2) further reports of bullying will become part of the review.

However, the confidentiality requirement described above does not apply to conversations with law enforcement, requests for information pursuant to a warrant or subpoena, a state or federal reporting requirement, or other reporting required by R277-613.

In conducting this investigation, the School may:

- (1) review disciplinary reports of involved students; and
- (2) review physical evidence, consistent with search and seizure law in schools, which may include video or audio, notes, email, text messages, social media, or graffiti.

The School will report incidents of bullying, cyber-bullying, hazing, and retaliation to law enforcement when the Director and Chief Administrative Officer reasonably determine that the alleged incident may have violated criminal law.

Following the investigation of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct, the School may, if the Director determines it is appropriate, take positive restorative justice practice action and support involved students through trauma-informed practices. However, an alleged victim is not required to participate in a restorative justice practice with an individual who is alleged to have engaged in prohibited conduct. If the School would like any student to participate in a restorative justice practice, the School will notify the student's parent/guardian of the restorative justice practice and obtain consent from the student's parent/guardian before including the student in the process.

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

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

Consequences of Prohibited Behavior

If, after an investigation, a student is found to be in violation of this policy by participating in or encouraging conduct prohibited by this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion pursuant to Utah Code § 53G-8-205 and School policy, removal from participation in School activities, and/or discipline in accordance with regulations of the U.S. Department of Education Office for Civil Rights (OCR).

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

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

Grievance Process for School Employees

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

Additional Provisions

The Director and Chief Administrative Officer will ensure compliance with OCR regulations when civil rights violations are reported, as follows:

- (1) Once the School knows or reasonably should know of possible student-on-student bullying, cyber-bullying, or hazing, the School must take immediate and appropriate action to investigate.
- (2) If it is determined that the bullying, cyber-bullying, or hazing did occur 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.
- (3) These duties are the School's responsibilities even if the misconduct is also covered by a separate anti-bullying policy and regardless of whether the student makes a complaint, asks the School to take action, or identifies the bullying, cyber-bullying, or hazing as a form of discrimination.

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

If the Director believes that any victim or perpetrator of conduct prohibited by this policy would benefit from counseling, the Director may refer such individuals for counseling.

If the Director believes that it would be in the best interests of the individuals involved, the Director may involve the parents/guardians of a perpetrator or victim of hazing, bullying or retaliation in the process of responding to and resolving conduct prohibited by this policy.

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

Student Assessment

The Director or his/her designee will solicit student assessments of the prevalence of bullying, cyber-bullying, and hazing in the School, specifically locations where students are unsafe and additional adult supervision may be required.

Training

The Director and Chief Administrative Officer will ensure that School students, employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive conduct from individuals qualified to provide such training.

The training shall include information on:

- (1) bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
- (2) discrimination under the following federal laws:
 - (a) Title VI of the Civil Rights Act of 1964;

- (b) Title IX of the Education Amendments of 1972;
- (c) Section 504 of the Rehabilitation Act of 1973; and
- (d) Title II of the Americans with Disabilities Act of 1990;
- (3) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;
- (4) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes; and
- (5) the right of free speech and how it differs for students, employees, and parents/guardians.

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

The training shall be offered to:

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

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

Distribution of Policy and Signed Acknowledgement

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

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

7. Board Business

7. a. Calendaring

Quick Summary / Abstract

Next Board Meeting: September 15, 2022 at 3 PM

8. Closed Session in Accordance with the Utah Open and Public Meetings Act

Quick Summary / Abstract

A motion to enter a closed session in accordance with Utah Code 52-4-205 for one of the allowed purposes:

- *To discuss the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(l)(a).*
- *To discuss collective bargaining pursuant to Utah Code 52-4-205(l)(b).*
- *To discuss pending or reasonably imminent litigation pursuant to Utah Code 52-4-205(l)(c).*
- *To discuss the purchase, exchange, or lease of real property pursuant to Utah Code 52-4-205(l)(d).*
- *To discuss the deployment of security personnel, devices, or systems pursuant to Utah Code 52-4-205(l)(f).*

9. School LAND Trust Council

10. Adjourn
