



# **Utah Virtual Academy Board of Directors Policy Manual**

# TABLE OF CONTENTS

Administration of Medication Policy .....	5
Advancement and Retention Policy .....	8
Arrest Reporting Policy .....	9
Articles of Incorporation.....	10
Assessment of Student Achievement Policy .....	16
Attendance Policy .....	18
Background Check Policy.....	19
Board Rules of Order and Procedure.....	20
Budgeting Policy.....	22
Bullying and Hazing Policy .....	24
Bylaws .....	37
Capitalization and Expense Policy .....	42
Cash Handling Policy .....	43
Child Abuse and Neglect Reporting Policy .....	44
Civil Rights Policy.....	45
Concussion and Head Injury Policy .....	57
Conflict of Interest Policy .....	58
Course Substitution Policy.....	60
Credit Card Policy .....	61
Credit Evaluation Standards and Guidelines Policy .....	67
Donations and Fundraising Policy.....	69
Dropout Prevention and Recovery Policy .....	72
Dual Enrollment Policy .....	73
Purpose.....	73
Definitions .....	73
Effective Educator Standards Policy .....	75
Electronic Meetings Policy.....	77
Electronic Resources Policy .....	79
Enrollment and Lottery Policy .....	81
Ethics Policy .....	83
Family Educational Rights and Privacy Policy .....	85

<b>Fee Waiver Policy.....</b>	<b>86</b>
<b>Financial Reporting Policy.....</b>	<b>100</b>
<b>Home School Student Participation in Statewide Assessments Policy .....</b>	<b>101</b>
<b>Home Visit and Well Check Policy.....</b>	<b>103</b>
<b>Internal Controls Policy.....</b>	<b>105</b>
<b>Investment Policy .....</b>	<b>107</b>
<b>Kindergarten Toilet Training Policy.....</b>	<b>109</b>
<b>Language Access Policy.....</b>	<b>111</b>
<b>LEA-Specific Educator License Policy .....</b>	<b>115</b>
<b>Paid Professional Hours for Educators Policy.....</b>	<b>118</b>
<b>Parent and Family Engagement Policy.....</b>	<b>121</b>
<b>Parent Grievance Policy .....</b>	<b>126</b>
<b>Procurement Policy.....</b>	<b>129</b>
<b>Prohibiting the Aiding and Abetting of Sexual Abuse Policy.....</b>	<b>132</b>
<b>Proper Use of Public Funds and Assets Policy .....</b>	<b>134</b>
<b>Public Education Materials Development Policy.....</b>	<b>135</b>
<b>Purchasing and Disbursement Policy.....</b>	<b>137</b>
<b>Sale of Food and Beverages Policy.....</b>	<b>139</b>
<b>School LAND Trust Council Membership and Election Procedures.....</b>	<b>140</b>
<b>Selection and Purchase of Instructional Materials Policy.....</b>	<b>141</b>
<b>Sex Education Instruction Policy.....</b>	<b>145</b>
<b>Special Education Policies and Procedures Manual.....</b>	<b>146</b>
<b>Staff Code of Conduct Policy .....</b>	<b>147</b>
<b>Staff Grievance Policy .....</b>	<b>153</b>
<b>Student Computer Policy.....</b>	<b>155</b>
<b>Student Conduct and Discipline Policy.....</b>	<b>156</b>
<b>Student Dress Code Policy .....</b>	<b>196</b>
<b>Student Education Plan Policy .....</b>	<b>197</b>
<b>Student Transportation Policy.....</b>	<b>198</b>
<b>Supervision of Students at School-Sponsored Activities Policy .....</b>	<b>199</b>
<b>Time and Effort Documentation Policy.....</b>	<b>201</b>
<b>Travel Policy .....</b>	<b>203</b>

**Tuition Reimbursement Policy ..... 206**

# Administration of Medication Policy

Adopted: March 6, 2019

Revised: June 14, 2023

## Purpose

The purpose of this policy is to authorize personnel of Utah Virtual Academy (the “School”) in limited circumstances to administer medication to students consistent with applicable law.

The School’s Board of Directors (the “Board”) acknowledges that a student’s medication should typically be administered by the student or the student’s parent or guardian. In addition, because the School is an online charter school there normally will be few, if any, situations where School personnel will need to administer medication to students. However, the Board recognizes that situations may arise where student accommodations required under the Individuals with Disabilities Education Act (the “IDEA”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), or other applicable law may require School personnel to administer medication to a student during School events, such as during end of year assessments where students and School personnel are physically together.

As long as authorized personnel act in a prudent and responsible manner, Utah law provides that School personnel who provide assistance in substantial compliance with a student’s licensed health care provider’s written statement are not liable civilly or criminally for any adverse reaction suffered by the student as a result of taking the medication or discontinuing the administration of medication. The Board hopes that this policy will help ensure that School personnel act in a prudent and responsible manner in order to protect the health of students and the interests of School personnel.

The Board also desires to set forth policies regarding acceptable self-administration of medication by students.

## Policy

### Administration of Medication by School Personnel

School personnel may provide assistance in the administration of medication to students in circumstances where student accommodations required under the IDEA, Section 504, or other applicable law require School personnel to provide such assistance to a student when the student is under the School’s physical control. In such circumstances, the School will comply with applicable state and federal laws, including but not limited to Utah Code Ann. § 53G-9-502, regarding the administration of medication to students by School personnel.

School personnel may also administer medication to students in emergency situations in accordance with the following:

(1) Glucagon. Glucagon is an emergency diabetic medication used to raise blood sugar. The School will comply with the requirements of Utah Code Ann. § 53G-9-504 regarding the emergency administration of glucagon to a student at the School or a School activity. Accordingly, the School will administer glucagon to a student in accordance with the statute if the School (a) receives a glucagon authorization from the parent or guardian of the student; and (b) any School personnel who have been trained (as described in the statute) in the administration of glucagon are available to administer the glucagon. The School may not compel School personnel to become trained in the administration of glucagon nor may it obstruct School personnel from becoming trained in the administration of glucagon.

(2) Seizure Rescue Medication. The School will comply with the requirements of Utah Code Ann. § 53G-9-505 regarding the emergency administration of seizure rescue medication to a student. Accordingly, the School will administer seizure rescue medication to a student in accordance with the statute if the School (a) receives a seizure rescue authorization from the parent or guardian of the student; and (b) a School employee who has become a “trained school employee volunteer” as defined in the statute is available to administer the seizure rescue medication. The School may not compel a School employee to become a trained school employee volunteer nor may it obstruct a School employee from becoming a trained school employee volunteer.

(3) Epinephrine Auto-Injector. The School will comply with the requirements of Utah Code Ann. §§ 26B-4-401, et seq., regarding emergency injection for anaphylactic reactions in the event any School personnel seeks to become a “qualified adult” under that provision. The School will make an emergency epinephrine auto-injector available to a School employee who becomes a qualified adult. The School may not prohibit or dissuade School employees from becoming a qualified adult, nor may it prohibit or dissuade School employees who become qualified adults from possessing or storing an epinephrine auto-injector on School property or administering an epinephrine auto-injector to any person in accordance with the statute.

(4) Opiate Antagonist. In accordance with Utah Code Ann. § 26B-4-509, School personnel may administer an opiate antagonist when acting in good faith to an individual whom the person believes to be experiencing an opiate-related drug overdose.

(5) Stock Albuterol. The School will comply with the requirements of Utah Code Ann. §§ 26B-4-401, et seq., regarding emergency administration of stock albuterol in response to an asthma emergency, in the event any School personnel seeks to become a “qualified adult” under that provision. The School may make stock albuterol available to a School employee who becomes a qualified adult. The School may not prohibit or dissuade School employees from receiving training to become a qualified adult, nor may it prohibit or dissuade School employees who become qualified adults from possessing

or storing stock albuterol on School property or administering stock albuterol to any person in accordance with the statute.

The Executive Director will establish administrative procedures that comply with applicable laws in order to set guidelines for when and how administration of medication under this policy will take place.

The Executive Director will consult with the local health department and/or a registered health care professional for assistance in developing procedures and training necessary for effective implementation of this policy. The Executive Director will ensure that School personnel and parents are provided with information about this policy as needed.

#### Self-Administration of Medication by Students

Students may possess and self-administer prescription medication at School events in compliance with applicable law. The Executive Director will establish administrative procedures that comply with applicable laws in order to set guidelines for when and how this will take place.

Students are not prohibited from possessing and self-administering one day's dosage of a non-prescription medication at School events where the student's maturity level is such that he or she can reasonably be expected to properly administer the medication on his or her own.

#### Observations and Medical Recommendations by School Personnel

The Executive Director will ensure that appropriate School personnel receive training on the provisions of Utah Code Ann. § 53G-9-203, including but not limited to training regarding medical recommendations by School employees and rules related to School employees communicating information and observations about a student's health and/or welfare.

School employees who intentionally violate Utah Code Ann. § 53G-9-203 will be subject to discipline up to and including termination.

# Advancement and Retention Policy

Adopted: September 12, 2024

## Purpose

The purpose of this policy is to establish how Utah Virtual Academy (the “School”) handles a request from a parent to advance or retain their student to/in a grade level different from the student’s cohort.

## Definitions

The following definitions apply for purposes of this policy:

“Cohort” means:

- (a) for K-8 students, a group of students defined by the year in which the group enters kindergarten; and
- (b) for 9-12 students, a group of students defined by the year in which the group enters grade 9.

“Advance” or “advancement” means to move a student one or more grade levels higher than the student’s cohort.

“Retain” or “retention” means to move a student one or more grade levels lower than the student’s cohort.

“Reasonably accommodate,” per Utah Code 53G-6-801(2), means that an LEA shall make its best effort to enable a parent to exercise a parental right specified in Utah Code § 53G-6-803:

- (c) without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises and for school activities, and the efficient allocation of expenditures; and
- (d) while balancing:
  - (i) the parental rights of parents;
  - (ii) the educational needs of other students;
  - (iii) the academic and behavioral impacts to a classroom;
  - (iv) a teacher's workload; and
  - (v) the assurance of the safe and efficient operation of a school.

## Policy

The School is committed to providing an educational program that offers opportunities for students to acquire skills for cognitive, academic, social, and emotional development. The School believes differentiated instruction provides for individual academic student needs as students remain with their own age peer group. However,



the School recognizes circumstances may exist where student advancement or retention may be in the best interests of an individual student.

The School supports and acknowledges that a student's parent is the primary person responsible for the education of the student and that the School is in a secondary and supportive role to the parent; and that as such, a student's parent has the right to reasonable academic accommodations from the School. See Utah Code § 53G-6-803(1)(a). The School also acknowledges that it shall reasonably accommodate a parent's written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity. See Utah Code § 53G-6-803(2).

Therefore, when a parent makes an advancement or retention request (which constitutes a request for an academic accommodation), the School shall make a decision on the request only after a School team has assessed and reviewed the needs and abilities of the student and the School has determined whether the advancement or retention of the student, as applicable, can be reasonably accommodated by the School.

The School's Executive Director shall establish administrative procedures to implement this policy in accordance with applicable law.

## **Arrest Reporting Policy**

Adopted: November 8, 2018

Revised:

### **Policy**

The Board of Directors of Utah Virtual Academy (the "School") recognizes the importance of receiving information regarding arrests of employees that are not licensed by the Utah State Office of Education in order to assist the School in adequately safeguarding the safety of students.

The Executive Director will therefore establish administrative procedures that comply with the requirements of Utah Administrative Code R277-516-5.

The Board acknowledges the requirement that Board Members report arrests and convictions as set forth in R277-516-5.

# Articles of Incorporation

Amended and Restated: February 12, 2020

## ARTICLES OF AMENDMENT AND RESTATEMENT OF THE ARTICLES OF INCORPORATION OF UTAH VIRTUAL ACADEMY A UTAH NONPROFIT CORPORATION

Utah Virtual Academy, a Utah nonprofit corporation duly incorporated on February 14, 2007, under the laws of the State of Utah, hereby amends and restates its Articles of Incorporation in accordance with the provisions of § 16-6a-1001 et seq. of the Utah Revised Nonprofit Corporation Act, as amended as follows:

1. The name of the nonprofit corporation is Utah Virtual Academy.
2. The Articles of Incorporation of the corporation are hereby amended and restated in their entirety and the text of the Amended and Restated Articles of Incorporation is set forth below.
3. These Amended and Restated Articles of Incorporation were adopted by a majority of the corporation's Board of Directors on February 12, 2020, without member action; the corporation does not have any voting members.
4. In addition to the corporation's Board of Directors, no other person is required to approve the following Amended and Restated Articles of Incorporation

IN WITNESS WHEREOF, these Amended and Restated Articles of Incorporation are hereby executed, effective as of the 12th day of February 2020.

**Amended and Restated Articles of Incorporation  
of  
UTAH VIRTUAL ACADEMY**

The undersigned natural persons over the age of eighteen (18) years, acting as incorporators of a nonprofit corporation under the Utah Revised Nonprofit Corporation Act, adopt the following Amended and Restated Articles of Incorporation for said corporation:

**ARTICLE I  
NAME**

The name of the corporation shall be Utah Virtual Academy, a Utah nonprofit corporation (the “corporation”).

**ARTICLE II  
DURATION**

The corporation shall continue in existence perpetually unless dissolved pursuant to law.

**ARTICLE III  
PURPOSES**

1. To operate exclusively as a nonprofit corporation under the laws of the State of Utah.
2. To operate exclusively for charitable and educational purposes, and to engage in any and all other lawful purposes, activities and pursuits, which are substantially similar to the foregoing and which are or may hereafter be authorized by Section 501(c)(3) of the Internal Revenue Code of 1986 or corresponding provisions of any subsequent Federal tax laws (the “Code”) and are consistent with those powers described in the Utah Revised Nonprofit Corporation Act, as amended.
3. To solicit and receive contributions, purchase, own and sell real and personal property, to make contracts, to invest corporate funds, to spend corporate funds for corporate purposes, and to engage in any activity “in furtherance of, incidental to, or connected with any of the other purposes.”
4. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, directors, officers, or other persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered to the corporation and to make payments and distributions in furtherance of the purposes set forth herein.

## **ARTICLE IV VOTING MEMBERS**

The corporation shall not issue shares of stock evidencing membership and shall have no voting members.

## **ARTICLE V POWERS**

1. Powers in General. Subject to the pursuits and objectives declared in Article III and any other limitations herein expressed, the corporation shall have the power to do any and all things which a nonprofit corporation may do under the laws of the State of Utah, including, but not limited to, the following:
  - (a) To receive, acquire, hold, manage, administer, and expend property and funds for purposes authorized by Section 501(c)(3) of the Code;
  - (b) To take property and funds by will, gift, or otherwise. The corporation shall not have the power to take or hold property or funds for any purpose other than purposes authorized by Section 501(c)(3) of the Code;
  - (c) To hold, in its own name and right, real and personal property of every nature and description without limitation as to extent, character or amount, and with all the powers of control, management, investment, change, and disposal incident to the absolute ownership of property or funds by a private person, subject only to the terms of particular trusts and to the general trust that all its properties and funds shall be held for purposes authorized by Section 501(c)(3) of the Code;
  - (d) To borrow money either upon or without security, giving such promissory notes or other evidences of indebtedness and such pledges, mortgages, or other instruments of hypothecation as it may be advised;
  - (e) To appoint and pay officers and agents to conduct and administer the affairs of the corporation;
  - (f) To adopt Bylaws prescribing the duties of the officers and agents of the corporation, the detail of the organization, the time and manner of its meetings, and any and all detail incident to its organization and the efficient conduct and management of its affairs;
  - (g) To do any and all things which a natural person might do, necessary and desirable for the general purposes for which the corporation is organized;
  - (h) To receive and use funds obtained from private donations, devises and bequests, and from all lawful sources to be applied for purposes authorized by Section 501(c)(3) of the Code; and
  - (i) No recital, expression or declaration of specific or special powers or purposes hereinabove enumerated shall be deemed exclusive, it being intended that this corporation shall have any and all other powers necessary or incidental to the accomplishment of its objects and purposes and each and all of the powers now

conferred or that may hereafter be conferred by the laws of the State of Utah on nonprofit corporations.

2. Powers Relating to Specific Objects and Purposes. The corporation shall have the powers necessary or incidental to the carrying on of its objects and purpose.

3. Restrictions. Notwithstanding any statement to the contrary in these Articles of Incorporation, no part of the net earnings of the corporation shall inure to the benefit of any director or officer of the corporation or any private individual, except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes; and no director or officer of the corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation (except as permitted by Section 501 of the Internal Revenue Code of 1986 or corresponding provisions or any subsequent Federal tax laws), and the corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office. The corporation shall not carry on, otherwise than as an insubstantial part of its activities, activities which are not in furtherance of one or more of the aforementioned purposes for which the corporation is organized. The corporation shall hold its assets subject to and in accordance with Utah Code § 53G-5-504 and -403.

## **ARTICLE VI REGISTERED OFFICE AND AGENT**

The street address of the corporation's registered office is **310 East 4500 South, Suite 620, Murray, Utah 84107.**

## **ARTICLE VII BOARD OF DIRECTORS**

1. The property, business and affairs of the corporation shall be managed by a Board of Directors. The number of directors shall be no fewer than five (5) and no more than seven (7), as fixed from time to time by the Bylaws of the corporation.

2. The directors shall be elected in the manner set forth in the Bylaws of the corporation.

3. Each director shall serve until such time as the director dies, resigns, or is dismissed, or when the term of the director has expired. Vacancies on the Board of Directors shall be filled in the manner set forth in the Bylaws of the corporation.

4. The names and addresses of the persons who are serving as the current directors of the corporation are as follows:

## **ARTICLE VIII OFFICERS**

The officers of the corporation shall be as set forth in the Bylaws of the corporation.

## **ARTICLE IX LIMITATIONS ON LIABILITY**

The directors, officers and employees of the corporation shall not be personally liable in those capacities for the acts, debts, liabilities or obligations of the corporation.

## **ARTICLE X BYLAWS**

Provisions for the regulation and management of the internal affairs of the corporation shall be set forth in the Bylaws.

## **ARTICLE XI AMENDMENT OF ARTICLES OF INCORPORATION**

These Articles of Incorporation may be amended at any time in any manner which is permissible under the laws of the State of Utah; provided, however, that these Articles of Incorporation shall in no event be amended in any manner so as to change this corporation from a nonprofit corporation to a corporation organized or operated for pecuniary profit; nor shall the Articles of Incorporation be amended so as to make the purposes of the corporation inconsistent with the purposes as specified in Article III herein.

## **ARTICLE XI1 DISSOLUTION**

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all liabilities of the corporation, transfer the assets of the corporation to the Utah State Board of Education for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall distribute the assets to the federal government, or to a state or local government for a public purpose.

## **ARTICLE XIII DEBTS AND OBLIGATIONS**

Neither the corporation's chartering entity nor the State of Utah, including any agency of the State of Utah, is liable for the debts or financial obligations of the corporation or officers or agents of the corporation.

In Witness Whereof, the undersigned have executed these Amended and Restated Articles of Incorporation this 12th day of February, 2020, and say: that the undersigned constitute the corporation's full and complete Board of Directors; that they have read the above and foregoing Amended and Restated Articles of Incorporation; that they know the contents thereof and that the same is true to the best of their knowledge and belief, excepting as to matters herein alleged upon information and belief and as to those matters they believe to be true.

# Assessment of Student Achievement Policy

Adopted: April 12, 2023

Revised:

## Purpose

Utah Virtual Academy (the “School”) is required to measure student achievement, including by way of administering statewide assessments. When administered properly, statewide assessments give students an opportunity to demonstrate what they know and can do. In addition, the results of statewide assessments provide the School not only important data about their students’ proficiency, but also valuable information that can be used to guide and improve instruction in the School.

The purpose of this policy is to help ensure that the School conducts statewide assessments in a fair and ethical manner and in compliance with applicable law and Utah State Board of Education (“USBE”) rule. The School intends for this policy to comply with the requirements of Utah Administrative Code Rule R277-404.

## Policy

### Statewide Assessment Plan

The School shall develop a plan to administer statewide assessments. The plan shall include at least the following:

- (a) The dates the School will administer statewide assessments;
- (b) Professional development for an educator to fully implement the assessment system;
- (c) Training for an educator, appropriate paraprofessional, or third-party proctor in the requirements of assessment administration ethics; and
- (d) Training for an educator and an appropriate paraprofessional to use statewide assessment results effectively to inform instruction.

The School shall submit the plan to the USBE by September 15 each year.

At least once each year the School shall provide professional development and training on statewide assessment administration as required by R277-404. The School shall use the Standard Test Administration Testing Ethics Policy for such professional development and training.

### Student Participation in Statewide Assessments

- (a) With the exception of those students described in subsection (b) immediately below and exempted students, the School shall administer



- statewide assessments to all students enrolled in the grade level or course to which the assessment applies.
- (b) A student's IEP team, English Learner Team, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.
  - (c) An educator may use a student's score on a statewide assessment to improve the student's academic grade for or demonstrate the student's competency within a relevant course. However, a student's score on a statewide assessment may not be used in determining whether the student may advance to the next grade level.
  - (d) The School may not provide a nonacademic reward to a student for taking a statewide assessment.

### Student Exemption from Statewide Assessments

- (a) A student's parent has the right to exempt the student from a statewide assessment in accordance with Utah Code § 53G-6-803 and the exemption procedures in R277-404. The School shall not impose procedures beyond those in R277-404 to exercise this right nor may the School impose any penalty or adverse consequences upon a student who is exempted.
- (b) School grading, teacher evaluation, and student progress reports or grades may not be negatively impacted by students exempted from taking a statewide assessment.
- (c) The School may allow a student who has been exempted from a statewide assessment to be physically present in the room during test administration. The School shall ensure that exempted students who are in attendance are provided with an alternative learning experience during test administration.

### Other Requirements

The School shall comply with all applicable requirements in R277-404, including adhering to the USBE's Standard Test Administration and Testing Ethics Policy which is incorporated by reference in the rule.

## **Attendance Policy**

Adopted: June 12, 2008

Revised: May 25, 2011; July 12, 2013; August 1, 2014; July 31, 2015; May 1, 2019;  
October 11, 2023

Reviewed: June 10, 2020; July 14, 2021; June 8, 2022; June 14, 2023

### **Policy**

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

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

The School intends for this policy to be consistent with the provisions of Utah’s compulsory education laws, Utah Code § 53G-6-201 through § 53G-6-211, as well as Utah Administrative Code Rule R277-607-4.

The Executive Director shall establish administrative procedures regarding attendance and truancy that are consistent with this policy and applicable law. The Executive Director shall ensure that this policy and the applicable procedures are distributed to parents.

### **Review**

The School’s Board of Directors (the “Board”) shall review this policy regularly.

# Background Check Policy

Revised: August 8, 2024

## Policy

The purpose of this policy is to protect the safety, health and security of Utah Virtual Academy (the “School”) students, employees, and property.

The School will comply with the provisions of Utah Code § 53G-11-401 *et. seq.* and Utah Administrative Code R277-316 regarding employee background checks. In order to protect the health and safety of all students and protect the property of the School, the School requires (a) all Board members, (b) all potential employees and (c) any volunteers who will be given significant unsupervised access to a student in connection with the volunteer’s assignment to submit to a criminal background check and ongoing monitoring as a condition for employment or appointment.

The Executive Director shall establish administrative procedures consistent with this policy and applicable law.

# Board Rules of Order and Procedure

Adopted: April 3, 2019

Revised:

Pursuant to Utah Code § 53G-5-413, Utah Virtual Academy (the “School”) hereby adopts the following rules of order and procedure to govern the meetings of the School’s board of directors (the “Board”).

- (1) **Public Meetings.** Board meetings will be convened, and Board business will be conducted in accordance with the applicable provisions of the Utah Open and Public Meetings Act.
- (2) **Board Size & Quorum Requirement.** The Board consists of no fewer than (5) and no more than seven (7) members. A quorum of Board members must be present at any meeting to take official Board action. A quorum consists of a majority of the current Board members.
- (3) **Meeting Agenda.** An agenda for each Board meeting will provide notice of the business to be conducted and topics to be considered by the Board.
- (4) **Board Action & Voting.** The minimum number of “yes” votes required to pass any resolution or to take any action, unless otherwise prescribed by law or the School’s Bylaws, is a majority of the voting members of the Board present at the meeting.
- (5) **Public Comment.** The Board encourages public engagement and frequently schedules time to hear from members of the public. Public comment time is placed on the agenda at the Board’s discretion. The following rules apply to public comment at Board meetings:
  - a) Members of the public wishing to speak to the Board must include their name and the agenda item or topic they wish to address on the “Public Comment Sign Up Form” that is available prior to the meeting.
  - b) Speakers will be given up to three (3) minutes to address the Board. Speakers representing large groups may request up to six (6) minutes to address the Board.
  - c) The Board 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.
  - d) The Board is unable to deliberate or take action on items raised during the public comment period that are not on the meeting agenda.
  - e) Persons who disrupt Board meetings will be removed from the meeting.

- f) The Board chair, at his/her discretion, reserves the right to end public comment at any time.

**(6) Board Member Code of Conduct**

- a) Members of the Board will conduct themselves in a civil and respectful manner during Board meetings and when acting in their official capacity as a member of the Board.
- b) Members of the Board will abide by state and federal laws and School policies and refrain from personal or professional conduct that would bring censure, ridicule, damage, or reproach upon the Board or the School.
- c) The Board only exercises its authority by taking official action through voting in a public Board meeting. Members of the Board have no individual authority to act on behalf of the Board unless expressly authorized by the Board. Individual members of the Board should not speak on behalf of the Board without prior Board approval.
- d) Members of the Board will maintain the confidentiality of information obtained in closed session or other confidential information otherwise obtained in their official capacity as a member of the Board.

**Governing Law.** If any provision contained in these Rules of Order & Procedure conflict with law or the Board's Bylaws, the applicable law or the Board's Bylaws will govern.

# Budgeting Policy

Adopted: August 9, 2018

Revised: June 10, 2020

Revised: January 12, 2022

## Policy

Utah Virtual Academy (the “School”) will comply with the budgeting requirements of Utah law, including but not limited to Utah Code Title 53G, Chapter 7, Part 3.

The Board of Directors has appointed an individual board member as the School’s budget officer. Before June 1 of each year, the budget officer shall prepare a tentative budget, with supporting documentation, to be submitted to the Board of Directors.

The tentative budget and supporting documents shall include the following items:

- (a) the revenues and expenditures of the preceding fiscal year;
- (b) the estimated revenues and expenditures of the current fiscal year;
- (c) a detailed estimate of the essential expenditures for all purposes for the next succeeding fiscal year; and
- (d) the estimated financial condition of the School at the close of the current fiscal year.

The tentative budget shall be filed with the School’s Executive Director for public inspection at least 15 days before the date of the tentative budget's proposed adoption by the Board of Directors.

Before June 30 of each year, the Board of Directors will adopt a budget for the next fiscal year.

By the sooner of July 15 or 30 days of adopting a budget, the Board of Directors will file a copy of the adopted budget with the state auditor and the Utah State Board of Education (“USBE”).

## Maintenance of Effort

Because the School receives federal funds, including Title I, Part A funds, the School is obligated to comply with certain maintenance of effort (“MOE”) requirements. The School adopts this policy in order to ensure that the School complies with MOE requirements.

The School will not use applicable federal funds to reduce the level of expenditures from state and/or local funds for the education of students below the level of those expenditures for the preceding fiscal year. Unless an exception applies or a waiver is granted and taking into account allowable reductions, the School will budget from state and/or local funds at least the same total spent for that purpose from the same state

and/or local funds source(s) for the most recent prior year for which information is available.

The School acknowledges that if MOE requirements are not satisfied, then the USBE may penalize the School by reducing the School's federal funding by a proportional amount the following year.

# **Bullying and Hazing Policy**

Revised: 11.14.2024

## **Purpose**

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

## **Policy**

### Prohibited Conduct

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

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

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

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



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

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

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

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

### Definitions

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

*Action Plan* – For purposes of this policy, “action plan” means a process to address an incident as described in Utah Code § 53G-9-605.5.

*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 may 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.
- (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.

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

*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).

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

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

### Reporting Prohibited Conduct

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

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

Each report of prohibited conduct shall include:

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

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

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

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

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

### Investigation of Alleged Incidents

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

The School will investigate these alleged incidents by interviewing:

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

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

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

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

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

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

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

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

- (1) take positive restorative justice practice action in accordance with policies established by the School;
- (2) provide supportive services designed to preserve the student's access to educational opportunities and a sense of safety; or
- (3) develop a communication process.

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

## Parental Notification

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

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

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

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

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

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

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

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

## Action Plan to Address Incidents

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

plan shall include:

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

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

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

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

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



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

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

### Consequences of Prohibited Behavior

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

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

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

### Grievance Process for School Employees

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

### Grievance Process for Parents and Guardians

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

## Additional Provisions

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

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

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

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

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

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

## Student Assessment

Subject to the parental consent requirements of Utah Code § 53E-9-203, the Principal or 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 Executive Director will ensure that School students, employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive conduct from individuals qualified to provide such training. The training shall meet the standards established by the Utah State Board of Education's rules and include information on:

- (1) bullying, cyber-bullying, hazing, 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 or guardians.

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

The training shall be offered to:

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

In addition to the training requirements described above, any student, employee, or volunteer coach participating in a School sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, shall, prior to participating in the athletic program or activity, participate in bullying, cyber-bullying, hazing, retaliation, and abusive conduct prevention training. This training shall be offered to new participants

on an annual basis and to all participants at least once every three years. The School will inform student athletes and extracurricular club members of prohibited activities under R277-613 and potential consequences for violation of the law and the rule. The School will maintain training participant lists or signatures and provide them to the Utah State Board of Education upon request.

#### Liaison to Utah State Board of Education

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

#### Distribution of Policy and Signed Acknowledgement

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

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

# Bylaws

Amended and Restated: February 12, 2020

## Amended and Restated Bylaws of UTAH VIRTUAL ACADEMY

### ARTICLE I NAME, PURPOSE

1. The name of the organization is **Utah Virtual Academy** (the “corporation”).
2. The corporation was formed to manage, operate, guide, direct and promote the corporation, a Utah Public Charter School. The corporation is organized under the Utah Nonprofit Corporation Act for public purposes and is not organized for the private gain of any person.

### ARTICLE II MEMBERS

The corporation shall have no members. Any action which would otherwise by law require approval by a majority of all members or approval by the members shall require only approval of the Board of Directors of the corporation (the “Board”). All rights which would otherwise by law vest in the members shall vest in the Board.

### ARTICLE III MEETINGS OF DIRECTORS

1. **Annual Meeting**. The Board shall hold an annual meeting for the purposes of organization, selection of directors and officers, and the transaction of other business.
2. **Regular Meetings**. Regular meetings will be held as scheduled by the Board, with a published schedule and proper notice.
3. **Special Meetings**. Special meetings of the Board for any purpose(s) may be called at any time by the President, Secretary, or one-third (1/3) of the members of the Board.
4. **Electronic Meetings**. In accordance with applicable state law and Board policy, any meeting of the Board may be held by telephone conference or a similar communication method as long as all Board members participating in the meeting can hear one another, and any such participation shall constitute presence in person at the meeting.

5. **Notice.** Special meetings and regular meetings of the Board may be held only after each director has received notice of at least twenty-four (24) hours by a documentable form of communication.

## **ARTICLE IV BOARD OF DIRECTORS, OFFICERS**

1. **Board Role, Size, Composition.** The Board is responsible for overall policy and direction of the school and delegates responsibility for day-to-day operations to the Executive Director and committees established by the Board. The Board shall consist of no fewer than five (5) and no more than seven (7) directors. At least one Board member shall be a parent of a student at the school. The Board members shall receive no compensation other than reasonable expenses.

2. **Meetings.** The Board shall meet at an agreed upon time and place.

3. **Terms.** Board members shall serve three (3) year terms, except for the parent representative who shall serve one (1) year terms. Board members are eligible for re-election.

4. **Quorum.** A quorum consists of a majority of the current Board members. A quorum of Board members must be present, in person or by electronic means, at any meeting of the Board before business can be transacted or motions made or passed.

5. **Officers and Duties.** There shall be four officers of the Board consisting of a President, Vice-President, Secretary, and Financial Coordinator. The officers shall be elected to serve a one (1) year term by a majority vote of the Board at the annual meeting of the Board. The individuals elected to these offices shall hold their respective offices until their resignation, removal or other disqualification from service, or until the expiration of their office's term. A Board member may hold more than one office at any given time. Officers' duties are as follows:

(a) The President shall convene regularly scheduled Board meetings, shall preside or arrange for other members of the executive committee to preside at each meeting in the following order: Vice-President, Secretary and Financial Coordinator.

(b) The Vice-President will chair committees on special subjects as designated by the Board.

(c) The Secretary shall be responsible for keeping records of Board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each Board member, and assuring that corporate records are maintained.

(d) The Financial Coordinator shall ensure a financial report is presented at each Board meeting. The Financial Coordinator shall chair the finance committee, assist in the preparation of the budget, help develop fundraising plans, and make financial information available to Board members and the public.

6. **Vacancies**. Vacancies on the Board will exist (1) on the death, resignation, or dismissal of any member, or (2) when the term of a current Board member has expired.

7. **Board Elections**. In order to fill a vacancy on the Board, the Board will solicit nominations and letters of application from the school community or members of the community at large. The Board may then elect an approved applicant to fill the vacancy. Board members will be elected by the vote of a majority of the remaining members of the Board.

8. **Resignation, Termination and Absences**. Resignation from the Board must be in writing and received by the Secretary. If the resignation is effective at a future time, a successor may be selected before such time, to take office when the resignation becomes effective. A Board member may be removed with or without cause by the vote of two-thirds (2/3) of the remaining directors.

## **ARTICLE V COMMITTEES**

The Board may create committees as needed to fulfill its responsibilities.

## **ARTICLE VI EXECUTIVE DIRECTOR AND STAFF**

**Executive Director**. The Executive Director is hired or approved by the Board. The Executive Director has the day-to-day responsibility of managing the school, including carrying out the school's goals and Board policy. The Executive Director will attend all Board meetings, report on the progress of the school, answer questions of Board members and carry out the duties described in the job description. The Board can designate other duties as necessary.

## **ARTICLE VII INDEMNIFICATION**

1. **Indemnification of Directors and Corporation Agents**. The corporation hereby declares that any person who serves at its request as a director, officer, employee, Chair, or member of any committee, or on behalf of the organization as a trustee, director, or officer of another organization, whether for profit or not for profit, shall be deemed the corporation's agent for the purposes of this Article and to the extent allowed by law, shall be indemnified by the corporation against expenses (including attorney's fees), judgment, fines, excise taxes, and amounts paid in settlement actually and reasonably incurred by such person who was or is a party or

threatened to be made a party to any threatened, pending, or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative by reason of such service, provided such person acted in good faith and in a manner he reasonably believed to be in the best interest of the corporation and, with respect to any criminal action or proceedings, had no reasonable cause to believe his conduct was unlawful. Except as provided in Article VII, Section 3, below, termination of such action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not of itself create either a presumption that such person did not act in good faith and in a manner which he reasonably believed to be in the best interest of the corporation or, with respect to any criminal action or proceeding, a presumption that such person had reasonable cause to believe that his conduct was unlawful.

**2. Indemnification Against Liability to the Corporation.** No indemnification shall be made with respect to any claim, issue, or matter as to which a person covered by Article VII, Section 1 shall have been adjudged to be liable for negligence or misconduct in the performance of his/her duty to the corporation unless and only to the extent that the court in which such action, suit, or proceeding was brought shall determine upon application that, despite the adjudication of the liability, but in view of all the circumstances of a case, such person is fairly and reasonably entitled to indemnification for such expenses which such court deems proper.

**3. Indemnification of Criminal Actions.** No indemnification shall be made in respect of any criminal action or proceeding as to which a person covered in Article VII, Section 1 shall have been adjudged to be guilty unless and only to the extent that the court in which such action or proceeding was brought shall determine upon application that, despite the adjudication of guilt, but in view of all the circumstances of the case, such person is entitled to indemnification for such expenses, or fines which such court shall deem proper.

**4. Period of Indemnification.** Any indemnification pursuant to this Article shall: (a) be applicable to acts or omissions which occurred prior to the adoption of this Article, and (b) continue as to any indemnified party who has ceased to be a director, officer, employee, or agent of the corporation and shall inure to the benefit of the heirs and personal representatives of such indemnified party. The repeal or amendment of all or any portion of these Bylaws which would have the effect of limiting, qualifying, restricting any of the powers or rights of indemnification provided or permitted in this Article shall not solely by reason of such repeal or amendment, eliminate, restrict, or otherwise affect the right or power of the corporation to indemnify any person, or affect any right of indemnification of such person, with respect to any acts or omissions which occurred prior to such repeal or amendment

**5. Advances of Costs and Expenses.** The corporation may pay costs and expenses incurred by a director, officer, employee or agent in defending a civil or criminal action, suit or proceeding, in advance of the final disposition of the action, suit or proceeding upon receipt of an undertaking by or on behalf of the person that he or



she shall repay the amount advanced if it is ultimately determined that he or she is not entitled to be indemnified by the corporation as authorized by these Bylaws.

**6. Personal Liabilities of Directors and Officers.** No director or officer of the corporation shall be personally liable to the corporation for civil claims arising from acts or omissions made in the performance of his or her duties as a director or officer, unless the acts or omissions are the result of his or her fraud, or malicious or willful misconduct, or the illegal use of alcohol or a controlled substance.

## **ARTICLE VIII AMENDMENTS**

These Bylaws may be amended when necessary by the vote of a two-thirds (2/3) majority of the Board.

## **ARTICLE IX SUPERSEDE PREVIOUS BYLAWS**

These Bylaws supersede all Bylaws previously adopted by the Board.

Dated: February 12, 2020

## **Capitalization and Expense Policy**

Adopted: December 9, 2020

Revised:

### **Purpose**

The purpose of this policy is to allow for Utah Virtual Academy's accountants to depreciate rather than expense qualified inventory items.

### **Policy**

The School will take inventory of its property periodically. Items, including associated components necessary to use the item, which (a) have a fair market value of over \$5,000.00 and (b) have a useful life of more than three (3) years shall be depreciated rather than expensed. The period of time items will be depreciated will be based on the length of the item's useful life.

# Cash Handling Policy

Adopted: May 1, 2019

Reviewed: June 4, 2020

Reviewed: April 23, 2021

Reviewed: August 4, 2022

## Purpose

Utah Virtual Academy (the “School”) adopts this policy to ensure that the School utilizes sound internal controls and properly handles cash received by School personnel.

## Policy

It is the School’s policy to generally not accept cash payments and to instead make arrangements for students and parents to make payments to the School online. In the event a cash payment to the School is necessary, the responsibility for handling cash paid to the School is delegated to the Executive Director. The Executive Director shall designate at least two (2) School or K12 employees who are authorized to handle cash paid to the School, and only those employees may handle cash for the School. The Executive Director shall ensure that all employees who are authorized to handle cash receive appropriate annual training.

All cash received by the School must be properly documented.

All cash received must be deposited no later than once every three (3) banking days. Two individuals should prepare each deposit using tamper resistant deposit bags.

The Executive Director may establish additional procedures associated with the handling of cash that are not inconsistent with this policy or applicable laws and regulations.

No School employee should handle cash associated with a non-school-sponsored activity in their capacity as a School employee. In the event such an individual does handle such cash, they must make it clear to the organization sponsoring the activity that they are not acting as a School employee.

# **Child Abuse and Neglect Reporting Policy**

Adopted: November 8, 2018

Revised:

## **Purpose**

Utah Virtual Academy (the “School”) takes seriously the legal responsibility of its personnel to protect the physical and psychological well-being of its students. We believe that the School’s personnel have an important role to play in the elimination of child abuse because they are in a unique position to observe children over extended periods of time on a daily basis.

Utah law requires that whenever any person, including any school employee, contracted or temporary employee, or volunteer who 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 sexual abuse, physical abuse, or neglect, he/she shall immediately notify the nearest peace officer, law enforcement agency, or the Division of Child Family Service. The law provides serious penalties for failure to fulfill one’s duty to report.

The Executive Director shall establish administrative procedures that will comply with the provisions of Utah Code Ann. §§ 53E-6-701; 62A-4a-402, et seq. and Utah Administrative Rules R277-401 and will help the School’s personnel to understand and fulfill their legal responsibilities concerning child abuse.

# **Civil Rights Policy**

Adopted: March 6, 2019

Revised: August 19, 2020

## **Policy Against Discrimination, Harassment and Sexual Harassment**

It is policy of Utah Virtual Academy (the "School") not to discriminate on the basis of sex, race, color, national origin, creed, religion, age, marital status, or disability in its educational programs, activities, or employment policies as required by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. The policy against non-discrimination applies in all aspects of the School's programs and activities, including but not limited to admissions and the administration of discipline.

It shall be a violation of this policy for any student or employee of the School to harass a student or an employee through conduct or communication in any form as defined by this policy or to retaliate against any individual for filing, receiving, investigating, or providing information concerning any complaint alleging violation of a federal civil rights law under this policy.

This policy will be posted on the School's website and distributed as part of the annual online registration process.

### **Title VI of the Civil Rights Act of 1964**

Title VI of the Civil Rights Acts of 1964 is a federal law that prohibits discrimination on the basis of race, color, or national origin. In compliance with Title VI, the School prohibits all discriminatory practices, including but not limited to the following:

1. Preventing a person from enrolling in a school, class, or extracurricular school activity based on race, color, or national origin.
2. Arbitrarily placing a student in a school or class with the intent of separating the student from the general population of students because of the student's race, color, or national origin.
3. Setting higher standards or requirements as a prerequisite before allowing minorities to enroll in a school, class, or activity.
4. Unequally applying disciplinary action based on a student's race, color, or national origin.
5. Failing to provide the necessary language assistance to allow limited English proficient students the same opportunity to learn as English proficient students.

6. Administering tests or other evaluative measures, which by design or by grading do not allow minority students the same opportunity to present a true measure of their abilities.

7. Providing advice or guidance to minority with the intent to direct minority students away from schools, classes, or educational activities based on their race, color, or national origin.

8. Providing instructional and related services to minority students that are inferior to those provided to non-minority students.

### **Title IX of the Education Amendments of 1972**

Title IX of the Education Amendments of 1972 is a federal law that prohibits discrimination on the basis of sex in providing educational programs and services.

It is policy of the School not to discriminate against any student, employee, or applicant on the basis of sex. The School will ensure that no student will be excluded from participating in or having access to any course offerings, student athletics, or other school resources based on unlawful discrimination. The School will take all necessary steps to ensure that each employee's work environment is free of unlawful discrimination based on sex. No employee of the School, including any person representing the School, shall intimidate, threaten, harass, coerce, discriminate against, or commit or seek reprisal against anyone who participates in any aspect of the discrimination complaint process associated with this policy.

The Executive Director will designate a Title IX Coordinator and provide notice of the name and contact information on the School's website and otherwise as appropriate.

#### **Response to Sexual Harassment**

The School will respond promptly in a manner that is not deliberately indifferent to any actual knowledge of sexual harassment in its educational program.

Therefore, in the event of any actual knowledge of sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

The School will thereafter treat complainants and respondents equitably by offering supportive measures to a complainant and by following the grievance process defined below for formal complaints of sexual harassment.

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the School’s Title IX Coordinator or any official of the School who has authority to institute corrective measures on behalf of the School, or to any employee of the School. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the School with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the School. “Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- (a) An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct;
- (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Schools education program; or
- (c) “Sexual assault” as defined by 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

“Supportive measures” are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. The School will make supportive measures available to complainants and respondents, as appropriate, which may include measures such as:

- No-contact orders
- Leaves of absence
- Class schedule changes, teacher reassignment, or other academic adjustments
- Increased monitoring of certain areas

### *Personnel; Training Requirements*

No individual designated by the School as a Title IX Coordinator, investigator, decision-maker, or the facilitator of an informal resolution process will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

The School will ensure that any individual designated by the School as a Title IX Coordinator, investigator, decision-maker, or the facilitator of an informal resolution process will receive training on the applicable definition of sexual harassment; the scope of the School's educational program and activities; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The School will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train a Title IX Coordinator, investigator, decision-maker, or the facilitator of an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

### *Grievance Process Time Frames*

The School will promptly carry out the grievance process for formal complaints of sexual harassment. Unless reasonable cause exists, the School will conclude the grievance process of a formal complaint of sexual harassment within forty-five (45) calendar days of receipt of a formal complaint. Informal resolution processes will be concluded within forty-five (45) calendar days of when the School obtains the parties' voluntary, written consent to the informal resolution process.

The grievance process for formal complaints of sexual harassment may be temporarily delayed, and time frames may be extended by the School for good cause with written notice to the complainant and the respondent that describes the reasons for the delay or extension. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

### *Notice of Formal Complaints of Sexual Harassment*

Upon receipt of a formal complaint of sexual harassment, the School will provide the following written notice to the parties who are known:

- (a) Notice of the School's grievance process for formal complaints, including any informal resolution process;
- (b) Notice of allegations of sexual harassment potentially constituting sexual harassment as defined in 34 C.F.R. § 106.30, including sufficient details known at the time and with sufficient time for the respondent to prepare a response before any initial review. Sufficient details include the identities of the parties involved in the incident, if known; the conduct allegedly constituting sexual harassment under 34 C.F.R. § 106.30; and the date and location of the alleged incident, if known.



The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.

The written notice will inform the parties that they are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the notice provided above, the School will provide notice of the additional allegations to the parties whose identities are known.

### *Grievance Process for Formal Complaints of Sexual Harassment*

A “formal complaint” means a document, including an electronic submission, filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. Formal complaints should be filed with the Title IX Coordinator.

In response to a formal complaint of sexual harassment, the School will follow the grievance process set forth below and in accordance with 34 C.F.R. § 106.45. The grievance process for formal complaints will treat complainants and respondents equitably. Before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent in connection with a formal complaint, the School will follow this policy and applicable legal requirements.

The grievance process for formal complaints will provide remedies to a complainant where a determination of responsibility has been made against the respondent. Such remedies may include the same individualized services included in the supportive measures. However, such remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

The grievance process for formal complaints will involve an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.

The grievance process for formal complaints will be conducted with a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Following a determination of responsibility for sexual harassment, the School will take prompt remedial action, including appropriate disciplinary actions. These actions may include, for a respondent who is a student, disciplinary actions in accordance with the School's Student Conduct and Discipline Policy, which may include suspension or expulsion. These actions may include, for a respondent who is an employee, discipline up to and including termination.

The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard. This standard will be applied to all formal complaints of sexual harassment, including formal complaints against both students and employees.

The grievance process for formal complaints will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The School will investigate the allegations in a formal complaint of sexual harassment. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in 34 C.F.R. § 106.30 even if proved, did not occur in the School's educational program, or did not occur against a person in the United States, then the School must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the School's policies.

The School may also dismiss a formal complaint of sexual harassment, or any allegations in the complaint, if at any time during the investigation (a) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; (b) the respondent is no longer enrolled or employed by the School; or (c) specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint of sexual harassment as provided above, the School will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

The School may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

When investigating a formal complaint of sexual harassment and throughout the grievance process, the School will do the following:

(a) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the

parties provided that the School cannot access, consider, disclose, or otherwise use medical and psychological records of the party without the party's consent, as provided in 34 C.F.R. § 106.45(b)(5)(i);

- (b) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- (c) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- (d) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
- (e) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- (f) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the School will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The School will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- (g) Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to the time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

The School will not conduct a hearing on formal complaints of sexual harassment. After the School has sent the investigative report as provided above and before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers provided, and allow for additional, limited

follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the School must apply the standard of evidence described above. The written determination must include the following:

- (a) Identification of the allegations potentially constituting sexual harassment as defined in 34 C.F.R. § 106.30;
- (b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- (c) Findings of fact supporting the determination;
- (d) Conclusions regarding the application of the School's policies to the facts;
- (e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program will be provided by the School to the complainant; and
- (f) The School's procedures and permissible bases for the complainant and respondent to appeal.

The School will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the School provides the parties with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator (and the Executive Director, if the Title IX Coordinator is not the Executive Director) is responsible for effective implementation of any remedies.

Nothing in this Policy precludes the School from removing a respondent from the School's education program or activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate

threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Nothing in this Policy precludes the School from placing a non-student employee respondent on administrative leave during the pendency of a grievance process under this Policy. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

### Appeals

The School will offer both parties an appeal from a determination regarding responsibility, and from the School's dismissal of a formal complaint of any allegations therein, on the following bases: (a) Procedural irregularity that affected the outcome of the matter; (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (c) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Appeals must be submitted to the Title IX Coordinator in writing within ten (10) business days of receipt of the written determination regarding responsibility.

As to all appeals, the School will (a) Notify the other party in writing within five (5) business days when an appeal is filed and implement appeal procedures equally for both parties; (b) Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator; (c) Ensure that the decision-maker(s) for the appeal complies with the standards for decision-makers set forth above and in 34 C.F.R. § 106.45(b)(1)(iii); (d) Give both parties a reasonable, equal opportunity to submit, within ten (10) business days, a written statement in support of, or challenging, the outcome; (e) Issue, within ten (10) business days of receipt of both parties' written statements, a written decision describing the result of the appeal and the rationale for the result; and (f) Provide the written decision simultaneously to both parties.

### Informal Resolution

The School will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as provided above. Similarly, the School will not require parties to participate in an informal

resolution process and may not offer an informal resolution process unless a formal complaint is filed.

However, at any time prior to reaching a determination regarding responsibility the School may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the School:

- (i) Provides to the parties a written notice disclosing: the allegations; the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- (ii) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### Recordkeeping

The School will maintain for a period of seven years records of:

- (a) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the School's education program;
- (b) Any appeal and the result therefrom;
- (c) Any informal resolution and the result therefrom; and
- (d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The School will make these training materials publicly available on its website.

For each response to sexual harassment required above and under 34 C.F.R. § 106.44, the School will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the School will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the School's education

program. If the School does not provide a complainant with supportive measures, then the School will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the School in the future from providing additional explanations or detailing additional measures taken.

### Retaliation

The School and its personnel will not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, constitutes retaliation. The School will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the School's grievance procedures for sex discrimination.

The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.

Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973**

Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 are federal laws that prohibit discrimination on the basis of disability. The School does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs and activities. Because of the affirmative obligation under Section 504 to provide a free appropriate public education as well as to avoid harassment and discrimination based on disability, the Executive Director may establish additional procedures regarding issues related to compliance with Section 504.

## **Other Complaint Procedures**

Any person who believes he or she has been the victim of discrimination or harassment by another student or an employee of the School, or any third person with knowledge of conduct that may constitute discrimination or harassment should immediately report the alleged acts to the Executive Director in accordance with the School's grievance or complaint process or policy. Notice of sexual harassment should be given to the Title IX Coordinator designated by the Executive Director. If the complaint is against the Executive Director, the complaint should be submitted to the School's Board of Directors.

The School is committed to investigating all complaints of discrimination or harassment under federal civil rights laws and will take action to stop any harassment or discrimination that is discovered.

The Executive Director will establish a process for handling complaints alleging harassment or discrimination under federal civil rights laws that complies with applicable legal requirements.

## **Compliance Officer**

The Executive Director is the designated compliance officer for all federal civil rights matters under any of the foregoing federal laws and shall coordinate the School's efforts to comply with federal civil rights laws. Any questions concerning this policy should be directed to the Executive Director.



# **Concussion and Head Injury Policy**

Adopted: December 13, 2018

Revised:

## **Policy**

The purpose of this policy is to protect the safety and health of Utah Virtual Academy (the “School”) students. The School recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The School acknowledges that the risk of serious injuries is significant when a concussion or head injury is not properly evaluated and managed, especially when the individual continues to participate in physical activities after the injury.

Accordingly, the School will comply with the provisions of Utah Code § 26-53-101 through -401 and R277-614 regarding the protection of athletes with head injuries. In order to protect the health and safety of its students, the School directs the Executive Director to establish administrative procedures consistent with this policy and applicable law.

# Conflict of Interest Policy

Adopted: September 4, 2019

Revised:

## Purpose

The purpose of this policy is to ensure that members of the Board of Directors (the “Board”) and the Executive Director of Utah Virtual Academy (the “School”) conduct themselves in a manner that avoids actual or apparent conflicts of interest. All business decisions shall be made in the School’s best interest. A conflict of interest arises when the judgment of a Board member or the Executive Director is or may be influenced by considerations of improper personal gain or benefit to the individual or to another person.

## Policy

### Business Contracts and Transactions Involving the School

A Board member, the Executive Director, or a relative of a Board member or of the Executive Director may not have a financial interest in a contract or other transaction involving the School, except as provided below and in the Employment at the School section of this policy:

If the Board considers entering into a contract or executing a transaction in which a Board member, the Executive Director, or relative of a Board member or of the Executive Director has a financial interest, the Board member or Executive Director shall: (a) disclose the financial interest in writing to all Board members and the Executive Director; (b) submit the contract or transaction decision to the Board for the approval, by majority vote, of the Board; (c) abstain from voting on the issue; and (d) be absent from any portion of the meeting where the contract or transaction is being considered and determined.

The process above shall apply in the event that a Board member, the Executive Director, or a relative of a Board member or of the Executive Director is employed by a business that furnishes for compensation goods or services to the School. However, in no event shall a Board member furnish directly and for compensation any goods or services to the School.

It is not the intent of this policy to prevent the School from contracting with a business because a Board member, the Executive Director, or a relative of a Board member or of the Executive Director is an employee of the business. The policy is designed to prevent placing Board members and the Executive Director in a position where their interest in the School and their interest in their places of employment might conflict and to avoid appearances of conflict of interest even if such conflict may not exist.

### Employment at the School

A Board member may not be an employee of the School. The Executive Director may have a reasonable contract of employment to work at the School.

A relative of a Board member or of the Executive Director may not be an employee of the School except as provided below:

If a relative of a Board member or of the Executive Director is considered for employment in the School, the Board member or Executive Director shall (a) disclose the relationship in writing to all Board members and the Executive Director; (b) submit the employment decision for the approval, by majority vote, of the Board; (c) abstain from voting on the issue; and (d) be absent from any portion of the meeting where the employment of the relative is being considered and determined.

### Volunteer Activities

Volunteer activities of a Board member or a relative of a Board member or of the Executive Director are not prohibited by this policy but may be prescribed by other policies developed and approved by the Board.

# Course Substitution Policy

Adopted: November 9, 2018

Revised:

## Policy

Utah Virtual Academy (the “School”) offers classes satisfying the Grade 7-8 General Core Requirements specified in R277-700-5(3). In accordance with R277-700-5(7), the School may, upon request and with parental consent, substitute a course requirement with a course, extracurricular activity, or experience that is either (a) similar to the course requirement or (b) consistent with the student’s plan for college and career readiness.

Course substitution requests and parental consent must be provided to the School Principal in writing and must (a) identify the course requirement seeking to be substituted; (b) identify and describe the desired course, extracurricular activity, or experience to be substituted for the course requirement; (c) explain how the desired course, activity or experience is similar to the course requirement and/or consistent with the student’s plan for college and career readiness; and (d) explain why it is in the student’s best interest to substitute the desired course, activity, or experience for the course requirement.

The Principal will decide whether to grant course substitution requests based on the Principal’s determination of what is in the student’s best interest and other relevant factors related to the specific request.

## Appeal Process

A parent who is dissatisfied with the Principal’s decision regarding a course substitution request may appeal that decision to the Board President in writing within ten (10) days of the decision. The written appeal should provide all relevant information regarding the request and the Principal’s decision.

The Board President or another Board member designated by the Board President will review the appeal and the Principal’s response and determine whether the course substitution request should be granted. The Board President or their designee will notify the parent of the decision on the appeal in writing within ten (10) days of receiving the appeal. This decision will be final.

# Credit Card Policy

Adopted: November 6, 2019

Revised:

## Purpose

The purpose of this policy is to authorize the Executive Director to obtain School credit cards for himself/herself and for personnel of Utah Virtual Academy (the “School”) and to establish procedures for use of School credit cards to make purchases for the School.

## Policy

### Credit Card Accounts

The School has established a corporate credit card account through the bank it uses under which the School has had individual School credit cards issued for the Executive Director and other authorized School administrators.

The School has also established a corporate credit card account through Divvy under which the School can have individual School credit cards issued for the Executive Director and other authorized School administrators and employees.

All charges associated with purchases made with School credit cards are and shall continue to be paid in full each month by the School.

The total credit limit for each School credit card issued to the Executive Director and School administrators may be up to \$15,000. However, in the event a purchase needs to be made that exceeds this amount, the credit limit may be temporarily increased up to \$25,000 with the approval by the Board of Directors in order to make the purchase and then decreased back to the normal limit as soon as practicable.

The total credit limit for each School credit card issued to other School employees, including teachers, may be up to \$250. However, in the event a purchase needs to be made that exceeds this amount, the credit limit may be temporarily increased up to \$2,500 with the approval by the Executive Director and then decreased back to the normal limit as soon as practicable. The School anticipates issuing School credit cards to teachers for the purpose of teachers purchasing their instructional materials and for paying for other authorized School expenses, such as travel expenses.

All School credit cards may be cancelled, activated, and/or de-activated at the discretion of the Executive Director.

## Procedures for Issuing Credit Cards

The Executive Director is authorized to be issued a School credit card and may authorize other School administrators and employees to be issued School credit cards. However, in order to be issued a credit card pursuant to this policy, School personnel shall first enter into a written credit card agreement in the form approved by the Board of Directors. The written credit card agreement shall, among other things, require the cardholder to pay back the School for any personal or insufficiently documented purchases the cardholder makes with the School credit card. The Executive Director shall coordinate with Academica West on the issuance of School credit cards to School administrators and employees.

The Executive Director shall ensure that all those to whom School credit cards are issued are aware of and receive appropriate training regarding the policies and procedures applicable to their use of the credit card.

## Procedures for Making Purchases with Credit Cards

School credit cards issued under this policy may only be used for legitimate business purposes. School credit cards may not be used for cash advances or ATM transactions for any reason. School credit cards may not be used for the purchase of alcohol. School credit cards are intended for purchases that cannot otherwise (or cannot efficiently) be paid for by check using standard payment methods, including purchases from vendors that do not accept checks, purchases during travel, or emergency purchases.

The person to whom a School credit card is issued and whose name is on the card (the “cardholder”) is solely responsible for all purchases on the card and for ensuring that the credit card number is not used by unauthorized personnel. As such, the cardholder shall not share their credit card number with anyone. In addition, the credit card shall not be stored in an online account that anyone other than the cardholder has access to.

All purchases with a School credit card shall be authorized in accordance with the purchase amount limitations and other requirements of the School’s Purchasing and Disbursement Policy and shall comply with all applicable procurement requirements. Documentation of purchase approvals shall be retained.

The cardholder is responsible for receiving, printing, and retaining all receipts related to purchases made with his/her School credit card. The cardholder shall label all receipts with a description of what it is for to ensure proper coding. The cardholder shall also upload all receipts as soon as practicable to the proper expense report software used by the School (all receipts of purchases made with a bank credit card shall be uploaded to Tallie and all receipts of purchases made with a Divvy credit card shall be uploaded to Divvy).

Upon the termination of a cardholder’s employment for any reason, their School credit card shall be cancelled immediately and returned to the Executive Director.

All purchases made with School credit cards shall be reconciled by Academica West monthly in order to ensure that all receipts have been uploaded and that all purchases have been made in accordance with School policies.

Violation of policies and procedures regarding use of School credit cards, including not retaining documentation of purchases or making personal purchases, may result in card cancellation, disciplinary action, or criminal prosecution. If the School disputes a purchase made with the School credit card, the School may dispute the charge and may hold the cardholder responsible for the charge.

The Executive Director shall develop with Academica West an internal review plan to periodically select School credit 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.

If a School credit card is lost or stolen, the cardholder shall immediately contact the Executive Director who shall have the credit card cancelled. The Executive Director shall notify Academica West of any School credit card cancellations.

## CREDIT CARD REIMBURSEMENT AGREEMENT

This **Credit Card Reimbursement Agreement** (the “**Agreement**”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, between **Utah Virtual Academy**, a Utah nonprofit corporation (the “**School**”), and \_\_\_\_\_, an individual (the “**Employee**”).

### RECITALS

- A. The School operates an online charter school in Murray, Utah.
- B. The Employee is currently employed with or otherwise contracted to work with the School.
- C. The School has established one or more corporate credit card accounts through which the School may have individual School credit cards issued to School personnel in accordance with the School’s Credit Card Policy.
- D. The Employee desires the School to provide the Employee with a School credit card so that the Employee may use the credit card to make authorized purchases for the School.
- E. The School desires to provide the Employee with a School credit card and for the Employee to, among other things, use the credit card to make authorized purchases; maintain documentation of all purchases made with the credit card; and pay back the School for any unauthorized or insufficiently documented purchases made with the credit card.
- F. The School and the Employee desire to enter into this Agreement to document the terms of their agreement regarding the Employee’s use of a School credit card.

### AGREEMENT

Now, therefore, in consideration of the foregoing and the mutual covenants and promises of the parties as provided herein, the School and the Employee agree as follows:

- 1. The School’s Credit Card Policy and this Agreement govern School credit cards.
- 2. The School shall issue a School credit card to the Employee in accordance with the School’s Credit Card Policy.



3. The Employee shall use a School credit card issued to the Employee in accordance with the School's Credit Card Policy and the Employee shall otherwise comply with the School's Credit Card Policy.
4. The Employee shall do the following with respect to the Employee's use of a School credit card issued to the Employee:
  - a. Use the credit card only for authorized purchases. For purposes of this Agreement, "authorized purchases" means purchases that have been approved in advance by the Executive Director and that are for legitimate School purposes. Authorized purchases may include but are not limited to purchases of School instructional materials, School travel expenses, and School course, program, or activity expenses.
  - b. Receive, print, and retain all receipts related to purchases made with the credit card and label all receipts with a description of what the receipt is for to help ensure proper coding.
  - c. Upload all receipts as soon as practicable to the proper expense report software used by the School to record purchases made with the credit card.
  - d. Notify the Executive Director immediately if the credit card becomes lost or is stolen.
5. The Employee shall not do the following with respect to the Employee's use of the a School credit card issued to the Employee:
  - a. Use the credit card for cash advances or ATM transactions.
  - b. Allow unauthorized personnel to use the credit card.
  - c. Share the credit card number with anyone.
  - d. Store the credit card in an online account that anyone other than the Employee has access to.
6. If the Employee uses a School credit card for an unauthorized purchase or a purchase for which the Employee cannot produce a receipt or other documentation acceptable to the School, the Employee shall pay back the School the full amount of the purchase. The Employee agrees that the following applies to any such repayment by the Employee to the School:
  - a. Any amount owed to the School under this provision may be deducted (except to the extent prohibited by federal or state minimum wage laws) from the Employee's paycheck(s), starting with Employee's first paycheck after the unauthorized or insufficiently documented credit card purchase is discovered by the School.
  - b. In the event the Employee's employment with the School is terminated (voluntarily or involuntarily), any amount owed to the School under this provision in excess of what is deducted from Employee's final paycheck shall be paid to the School within twelve

(12) months of the date the Employee's employment with the School is terminated, at no interest.

- c. If repayment within twelve (12) months would cause an undue hardship on the Employee, then the Employee may request an extended repayment plan from the Executive Director, and the Executive Director shall negotiate such a repayment plan in good faith. Any extended repayment plan shall be documented by a promissory note and shall bear interest at a rate of seven percent (7%) per year. In the event the Executive Director and the Employee are unable to agree on an extended repayment plan, any amount owed by the Employee under this provision in excess of what is deducted from Employee's final paycheck shall be paid to the School as set forth in subsection (b) above; that is, within twelve (12) months of the date the Employee's employment with the School is terminated (voluntarily or involuntarily), at no interest.

- 7. The School and the Employee acknowledge and agree that a School credit card issued to the Employee may be cancelled, activated, and/or de-activated at the discretion of the Executive Director.

The parties have executed this Agreement as of the date first set forth above.

**The School:**

\_\_\_\_\_  
Executive Director Signature

**The Employee:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

# Credit Evaluation Standards and Guidelines Policy

Adopted: May 1, 2019

Revised:

## Purpose

The purpose of this policy is to ensure equity and fairness to all students when evaluating credit earned at institutions other than Utah Virtual Academy (the “School”) and to be in compliance with Utah Administrative Code Rule R277-705-3.

## Policy

In accordance with Utah Code § 53G-7-206, the School shall accept credits and grades awarded to a student by a school accredited or approved by the Utah State Board of Education or accredited or recognized by the Northwest Accreditation Commission (“NWAC”) (formerly known as the Northwest Association of Accredited Schools) as issued by the school, without alterations. Credits awarded for a core standards for Utah public schools course shall be applied to fulfilling core standards for Utah public schools.

Requests for acceptance of credit from a school, provider, or other source that is not accredited, approved, or recognized by the Utah State Board of Education or NWAC shall be referred to the School’s Credit Evaluation Committee for credit determination. The School’s Credit Evaluation Committee shall consider all or some of the following when making its credit determination:

- a. Course title and description;
- b. List of instructional materials used;
- c. Correlation of course objectives with the Utah core standards and objectives;
- d. Course length and student attendance:
  - i. Number of days the class met;
  - ii. Normal class length; and
  - iii. Number of classes attended by the student;
- e. Grading criteria used and grades received;
- f. Teacher name, qualifications, certifications, endorsements, etc.;
- g. Educational institution’s reputation;
- h. Course requirements for credit; and
- i. Student coursework or projects.

In addition to considering the types of evidence listed above, the School’s Credit Evaluation Committee may require students seeking credit acceptance to:

- a. Demonstrate competency through (1) end-of-level testing approved by the School in areas where competency tests are available or (2) other methods of evaluation or assessment chosen by the School's Credit Evaluation Committee; or
- b. Have their coursework (including electronic or correspondence coursework) or projects reviewed by a School administrator or the Executive Director.

The School's Credit Evaluation Committee may consider other information and make its credit determination based on other criteria as permitted by law.

The School shall have the final decision-making authority for the awarding of credit and grades from schools, providers, or sources that are not accredited, approved, or recognized by the Utah State Board of Education or NWAC consistent with state law and due process.

Costs associated with the determination of credit, including but not limited to competency level testing, shall be borne by the parent/guardian of the student requesting credit consideration.

Students released for home instruction do not earn School credits. If students re-enter the School, requests for credit for home instruction studies shall be evaluated under the provisions of this policy.

# **Donations and Fundraising Policy**

Adopted: December 13, 2018

Reviewed: June 10, 2020

Reviewed: June 9, 2021, June 8, 2022

Although Utah Virtual Academy (the “School”) does not typically engage directly in fundraising, it may do so on certain occasions in order to help advance the School’s mission. The School encourages the contributions of gracious donors who have the resources and the inclination to make donations for the benefit of the School and its students. This policy establishes guidelines and standards for the School’s acceptance of donations and gifts as well as for when the School engages in or sponsors fundraising activities.

## **Donations and Gifts**

The School may not transfer or expend donated property in a manner contrary to donor restrictions imposed as a condition of making the donation. The Executive Director is also responsible for ensuring that donor restrictions of accepted donations are complied with and that compliance can be verified. The Executive Director will ensure that charitable donation receipts are provided to donors as necessary.

The Executive Director must approve voluntary donations from private individual or organization in excess of \$1,000 and any donation involving donor restrictions prior to accepting the donation. The Board of Directors must approve any voluntary donations from private individual or organization in excess of \$10,000. The School may not accept donations with the condition that the donation provide direct benefit to specific School employees, students, vendors, or service providers, or that the School purchase a specific brand of goods with the donated funds.

If advertising or other services are offered to a donor in exchange for a donation or gift, the School will objectively value the donation or gift in order to ensure the School receives at least fair value.

The Executive Director must ensure that any applicable fiscal policies of the School are complied with in connection with donations. The School will comply with other applicable laws and regulations, including but not limited to procurement requirements, rules related to construction of improvements, IRS regulations, and Title IX requirements.

## **Fundraising**

Fundraising is defined as an organized effort to solicit individuals, businesses or foundations for money or in-kind gifts to be given directly to the School.

For the purposes of this policy, “school sponsored” means activities that are expressly authorized by the School’s Executive Director or Board of Directors that support the School or authorized curricular clubs, activities, sports, classes, or programs that are themselves school sponsored. School-sponsored activities must be managed or supervised by School employees. Activities sponsored by the School’s parent organization are not school-sponsored activities, but the parent organization may be involved in and provided assistance in connection with school-sponsored activities.

The following guidelines must be followed in connection with School fundraising:

1. The fundraising activity must be undertaken with the intent of obtaining a benefit consistent with the School’s mission.
2. The fundraising activity must not violate the School’s charter, Board policies, or applicable law.
3. Proposals for fundraising activities must be submitted to the School’s Executive Director for approval.
4. The Executive Director may restrict the time, place, and manner of any approved fundraising activity.
5. Fundraising activities should be planned and scheduled in a manner that does not create conflict, confusion, or excessive fundraising pressures on students, families or potential donors.
6. Fundraising activities that may expose the School to risk of financial loss or liability if the activity is not successful should not be approved.
7. The participation of School employees, students and parents in any fundraising activity must be voluntary. However, School employees may be assigned to supervise students in connection with School-sponsored fundraising activities in connection with their employment. Such employees may be compensated for such work as appropriate as determined by the Executive Director.
8. Students may not be required to participate in a fundraising activity as a condition for belonging to a team, club or group, and a student’s fundraising efforts may not affect his or her participation time or standing in any team, club or group.
9. Competitive enticements for student participation in fundraising efforts are generally discouraged, and any such rewards or prizes must be approved by the Executive Director.
10. The Executive Director will ensure that the School’s Fee Waiver Policy is complied with in connection with all School-sponsored fundraising activities that involve fees. Any fee waivers must be granted in accordance with the Fee Waiver Policy.
11. All funds raised through school-sponsored fundraising activities are considered public funds and will be handled accordingly. The Executive Director will ensure that all other applicable fiscal policies are complied with in connection with fundraising activities.

12. Any fundraising activities that are related to the School but not school sponsored, such as fundraising activities of the parent organization, should clearly inform School patrons that the activity is not school sponsored. School employees may participate in such activities as volunteers but must not represent that they are acting as employees or representatives of the School.
13. The Executive Director will ensure that charitable donation receipts are provided as necessary.
14. The School's employer identification number and sales tax exemption number may only be used by School personnel in connection with school-sponsored activities. No other entity, including the School's parent organization, may use these numbers.
15. Any School employee involved in managing or overseeing non-School-sponsored fundraising must disclose to the Executive Director any financial or controlling interest in or access to bank accounts of the fundraising organization or company.
16. The School may cooperate with outside entities such as the parent organization in connection with non-school-sponsored fundraising activities. The School may allow these groups to use School facilities at little or no charge. At the Executive Director's discretion, the School may provide some level of support or pay for portions of these activities. The details of the arrangements for non-school-sponsored fundraising activities shall be understood and agreed to by the Executive Director and the representatives of the outside entity. This must take into consideration the School's fiduciary responsibility for the management and use of public funds and assets.
17. The School is committed to principles of gender equity and compliance with Title IX guidance. The School commits to use all facilities, unrestricted gifts and other available funds in harmony with these principles. The School reserves the right to decline or restrict donations, gifts, and fundraising proceeds, including those that might result in gender inequity or a violation of Title IX. Fundraising opportunities should be equitable for all students, comply with Title IX, and be in harmony with Article X of the Utah Constitution.

The Executive Director will ensure that School employees receive appropriate training in connection with these policies. Training shall be provided at least annually to employees whose job duties are affected by the School's fiscal policies.

The Board will review this policy annually.

# Dropout Prevention and Recovery Policy

Adopted: March 8, 2023

Revised:

## Policy

Utah Virtual Academy (the “School”) adopts this policy in accordance with the requirements of Utah Code § 53G-9-801 *et seq.* and Utah Administrative Code R277-606.

For purposes of this policy, a “designated student” is a student in grades nine through twelve:

1. Who has withdrawn from the School before earning a diploma, who was dropped from average daily membership, and whose cohort has not yet graduated; or
2. Who is at risk of meeting the above criteria as determined by the School using the following risk factors:
  - a. Low academic performance, as measured by grades, test scores, or course failure;
  - b. Poor behavior, as measured by office disciplinary referrals, suspensions, or expulsions; and
  - c. Absenteeism, whether excused or unexcused absences, and including days tardy or truant.

The School will engage with or attempt to engage with designated students in order to offer dropout prevention and recovery services to them. Designated students may choose whether to enroll in the School’s dropout prevention and recovery program. The services provided to designated students who enroll in this program will include:

1. Consulting with designated students and developing a learning plan to identify:
  - a. Barriers to regular school attendance;
  - b. An attainment goal; and
  - c. Means for achieving the attainment goal.
2. Monitoring a designated student’s progress toward reaching the designated student’s attainment goal. The attainment goal will be measurable and correlated with what would be considered a year’s worth of progress.
3. Providing tiered interventions and flexible enrollment options for a designated student who is not making progress toward reaching the student’s attainment goal, including meeting regularly with the designated student. Membership days for the student will be determined according to the School’s attendance and enrollment policies and procedures.



# Dual Enrollment Policy

Revised: 11.14.2024

## Purpose

The purpose of this policy is to articulate the position of Utah Virtual Academy (the “School”) on the dual enrollment and split enrollment of students in the School. The School desires to accommodate students seeking to split enroll in order to pursue educational opportunities not currently available at the School, but the School also wants to ensure that the split enrollment of its students does not create negative financial implications for the School.

## Definitions

“Dual enrollment” or “dually enroll(ed)” refers to when a student enrolls simultaneously in the School and in a private school or home school.

“Split enrollment” or “split enroll(ed)” refers to when a student enrolls simultaneously in the School and in another public school.

## Policy

### Dual Enrollment

The School does not allow students to dually enroll in the School. This policy prohibiting dual enrollment is consistent with Utah Administrative Code Rule R277-438, which gives charter schools discretion as to whether or not to allow dual enrollment.

### Split Enrollment

The School does not allow students in grades K-6 to split enroll in the School.

The School may allow students in grades 7-12 to split enroll in the School under the conditions set forth below if there is, in the School’s discretion, a reasonable educational basis for the split enrollment.

Students of the School may only enroll in a total of six courses during the school year. To be eligible for split enrollment at the School, a student must (1) enroll in a minimum of four credits at the School and (2) enroll in a maximum of two credits at another public school. Therefore, no student will be allowed to participate in split enrollment at the School unless they plan to enroll in at least four credits at the School, enroll in up to only two credits at another public school, and their request for split enrollment is approved by the School. In addition, split enrollment in the School will only be allowed if the School is the student’s primary LEA, meaning the LEA which reports the student to be in regular membership and, if applicable, special education membership (sometimes referred to as the student’s “school of record”).

No student will be allowed to split enroll in the School if any course, program, or activity to be taken by the student at another public school would conflict with the student's schedule at the School.

### Requests for Split Enrollment

In order for a request for split enrollment to be considered by the School, the request should be submitted to the student's Principal or the School's Executive Director using the approved forms provided by the School before any appropriate deadline set by the School. The Executive Director will approve or deny requests for split enrollment and, notwithstanding anything to the contrary in this policy, has full discretion in making such decisions.

Students who are split enrolled in the School will only take at the School the state standardized tests and other assessments for the subjects for which they receive instruction at the School.

### **Policy Not Applicable to Statewide Online Education Program**

This policy does not apply to a student's participation in the School through the Statewide Online Education Program (the "SOEP"). Participation in the School through the SOEP is governed by Utah state law and rule, including but not limited to Title 53F, Chapter 4, Part 5 of the Utah Code and Utah Administrative Code Rule R277-726.

# Effective Educator Standards Policy

Adopted: April 3, 2019

Revised:

## Purpose

Utah Virtual Academy (the “School”) believes that each of its students should have the opportunity to learn from an effective educator. The School tries to recruit, prepare, and retain effective educators as a way in which to boost the academic success of its students. The purpose of this policy is to help ensure that the School’s licensed educators meet the Utah Effective Educator Standards applicable to them as set forth in Utah Administrative Code Rule R277-530.

## Policy

### Application of Effective Educator Standards

The Effective Educator Standards in Utah Administrative Code Rule R277-530 are comprised of three separate sets of standards: Effective Teaching Standards, Educational Leadership Standards, and Educational School Counselor Standards. The Effective Educator Standards apply to licensed educators at the School as follows:

- (a) Administrators are responsible for meeting the Effective Teaching Standards and demonstrating the traits, skills, and work functions in the Educational Leadership Standards;
- (b) Counselors are responsible for meeting the Effective Teaching Standards and Educational Leadership Standards and demonstrating the traits, skills, and work functions in the Educational School Counselor Standards; and
- (c) Teachers are responsible for demonstrating the skills and work functions in the Effective Teaching Standards.

### Implementation of the Effective Educator Standards

The School shall, under the direction of the Executive Director, help its licensed educators meet the applicable Effective Educator Standards by using the Effective Educator Standards as a basis when doing the following:

- (a) Developing professional learning experiences and professional learning plans for educators’ relicensing;
- (b) Establishing a collaborative professional culture in order to facilitate student learning;
- (c) Adopting formative and summative educator assessment systems; and
- (d) Implementing induction and mentoring activities for beginning teachers and administrators.

The Executive Director shall determine the manner in which the activities described above are conducted and the frequency in which they occur.

### Charter School Administrators

The School understands that under Utah law a charter school administrator is not required to be licensed. In the event a School administrator is not licensed, he or she is still expected to work towards meeting the Effective Teaching Standards and demonstrating the traits, skills, and work functions in the Educational Leadership Standards.

# Electronic Meetings Policy

Revised: August 8, 2024

## Purpose

The purpose of this policy is to establish the means and procedures by which the Board of Directors (the “Board”) may conduct electronic meetings in accordance with the provisions of the Utah Open and Public Meetings Act (the “Act”), including Utah Code § 52-4-207.

## Policy

### Definitions

The Board adopts for application in this policy the definitions in the Act at Utah Code § 52-4-103.

### Electronic Meetings

The Board may, from time to time as needed, convene and conduct electronic meetings. For the purpose of this policy, an “electronic meeting” is defined as a Board meeting that some or all Board members attend through an electronic video, audio, or both video and audio connection, as provided in the Act at § 52-4-207.

The Board will establish one or more anchor locations for an electronic meeting, unless the following two circumstances exist:

- a. All Board members attend the electronic meeting remotely through an electronic video, audio, or both video and audio connection; and
- b. The Board has not received a written request, at least 12 hours before the scheduled meeting time, to provide an anchor location for members of the public to attend in person the open portions of the electronic meeting.

For an electronic meeting where the Board provides an anchor location, the following apply:

- a. The anchor location will be:
  - i. The building where the Board would normally meet if they were not holding an electronic meeting; or
  - ii. Another location that is reasonably as accessible to the public as the building described in subsection (i) above.
- b. The Board will provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the electronic meeting.

- c. If public comments will be accepted during the electronic meeting, the Board will provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

Board members who are able to both hear and verbally participate in the meeting electronically are considered present for purposes of determining the presence of a quorum at an electronic meeting.

The Board shall take all votes by roll call during an electronic meeting, with the exception of a unanimous vote.

### Notice

Prior to conducting an electronic meeting, the Board shall provide advance notice of the meeting in accordance with the Act.

Notice shall be provided to all Board members, as well as to members of the public in accordance with the provisions of the Act.

Each notice shall describe the means of communication by which members will be connected to the electronic meeting and, if applicable, the anchor location.

# **Electronic Resources Policy**

Adopted: January 9, 2019

Renewed: June 10, 2020

Renewed: June 9, 2021

Renewed: June 8, 2022

## **Purpose**

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

## **Electronic Devices**

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

## **Internet Safety**

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

## **Student Acceptable Use of School Electronic Resources**

The School makes various electronic resources available to students. These resources include computers and related software and hardware as well as the School’s network and access to the Internet. The School’s goal in providing such electronic resources to

students is to enhance the educational experience and promote the accomplishment of the School's mission.

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

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

### **Staff Acceptable Use of School Electronic Resources**

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

### **Review**

This policy will be reviewed regularly to ensure that it continues to meet the School's needs.



# Enrollment and Lottery Policy

Adopted: June 12, 2008

Revised: June 5, 2019

## Purpose

To provide guidelines on appropriate procedures on enrollment and lottery processes.

## Policy

In regards to applications, enrollment, and lottery procedures, Utah Virtual Academy (the "School") shall follow all state and federal laws and guidelines.

### General Information

Notice of the opportunity to submit an application and procedures for enrollment at the School shall be published on the School's website beginning no later than sixty (60) days before the School's initial open enrollment period. The School's website shall also provide the following enrollment information: (i) a description of the procedures for applying for admission to the School; (ii) the opening date or the School's calendar; and (iii) a description of how a student may transfer from the School to another charter school or district school.

For each enrollment period during which the School accepts applications from students, the School shall publicize that it is accepting applications on the School website.

The School shall follow the provisions of Utah Code § 53G-6-503, Utah Administrative Code Rule R277-551-5, and Utah Administrative Code Rule R277-472-5, each of which include requirements related to admissions, enrollment, withdrawals, or transfers.

### Lottery

For each enrollment period, if there are more applications for admission in any grade than there are available openings in that grade, the School shall conduct a lottery to determine which students will be admitted to the School. The School shall conduct its lottery electronically and notify accepted students via e-mail or telephone.

Consistent with Utah Code § 53G-6-502, the following students shall receive preference in the School's lottery in the following order: a child or grandchild of an individual who has actively participated in the development of the School; a sibling of an individual who was previously or is presently enrolled in the School; a child of an employee of the School; and students who reside within the school district in which the School is located, the municipality in which the School is located, or a two-mile radius of the School.

The School shall not give preference to any student and shall not make any enrollment decision on any basis prohibited by state or federal law, including federal civil rights laws and the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”). Specifically, the School shall not request any student data of applicants other than their name, grade level, and parent contact information prior to the lottery.

The School’s lottery shall be held in January or February of each year with additional lotteries held periodically as needed until the desired enrollment numbers are reached. The School may, at the discretion of the Executive Director, continue to enroll students from the lottery throughout the school year to fill spots left open when students withdraw.

### Past Disciplinary Issues

In accordance with Utah Code § 53G-8-205(3), the School may deny admission to the School to students who were expelled from the School or any other school during the preceding twelve (12) months. In addition, consistent with Utah Administrative Code Rule R277-472-6, the School may deny admission to the School to students who have disciplinary procedures pending at their previous school until previous allegations have been resolved.

Parents of students seeking admission to the School shall disclose to the School information about their students’ past serious disciplinary actions and criminal convictions. If this information is not disclosed in connection with a student’s application for enrollment in the School and is discovered after the student is enrolled in the School, the student shall be immediately suspended until the School’s administration investigates the matter and reaches a final disciplinary decision in accordance with School policy. Situations involving students receiving special education and related services under the IDEA shall be handled in a manner consistent with applicable laws and School policy.

## **Ethics Policy**

Adopted: June 10, 2020

Revised:

### **Purpose**

Utah Virtual Academy (the “School”) adopts this policy to ensure that individuals associated with the School, including Board members and employees, conduct themselves consistent with high standards of ethics and with applicable law.

### **Policy**

Any allegation of a violation of this policy should be reported to the School’s Board of Directors in accordance with the School’s Staff Grievance Policy or Parent Grievance Policy, as applicable. The Board will ensure that all allegations of ethics violations are promptly investigated and that appropriate action is taken based on the results of the investigation.

No Board member or School employee may violate Utah Code § 76-8-105, which precludes the solicitation or receipt of a bribe.

No Board member or School employee may violate the Utah Public Officers’ and Employees’ Ethics Act (Utah Code § 67-16-1, et seq.), which, among other requirements, precludes Board members and School employees from:

(a) accepting employment or engaging in any business or professional activity that he/she might reasonably expect would require or induce him/her to improperly disclose controlled information that he/she has gained by reason of his/her official position;

(b) disclosing or improperly using controlled, private, or protected information acquired by reason of his/her official position or in the course of official duties in order to further substantially his/her personal economic interest or to secure special privileges or exemptions for himself/herself or others;

(c) using or attempting to use his/her official position to:  
(i) further substantially his/her personal economic interest; or  
(ii) secure special privileges or exemptions for himself/herself or others;

(d) accepting other employment that he/she might expect would impair his/her independence of judgment in the performance of his/her public duties;

(e) accepting other employment that he/she might expect would interfere with the ethical performance of his/her public duties; or

(f) except as otherwise allowed in the law, knowingly receiving, accepting, taking, seeking, or soliciting, directly or indirectly for himself/herself or another a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;

(ii) that he/she knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding him/her for official action taken; or

(iii) if he/she recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided in Utah Code § 67-16-6.

Licensed educators of the School must comply with the Utah Educator Professional Standards in Utah Administrative Code Rule R277-515 pertaining to the ethical conduct required of all licensed educators in the state of Utah.

# Family Educational Rights and Privacy Policy

Revised: January 9, 2025

## Purpose

The purpose of this policy is to protect the privacy of Utah Virtual Academy (the “School”) students and their families in accordance with applicable law.

## Policy

The School shall protect the privacy of its students, its students’ parents, and its students’ families and shall support parental involvement in the education of their children attending the School by complying with state and federal laws concerning family educational rights and privacy, including but not limited to the federal Family Educational Rights and Privacy Act (“FERPA”) and Utah Code § 53E-9-201 *et seq.*

The Executive Director shall establish administrative procedures that provide standards under Utah law for the protection of family and student privacy within the School, including in the curriculum, in School activities, in the administration of psychological or psychiatric examinations, tests, or treatments to students, and in any survey, analysis, or evaluation of students that seek protected information. The administrative procedures shall also address rules under FERPA related to the management of, parental access to, and the School’s disclosure of student education records.

# Fee Waiver Policy

Revised: 11.14.2024

## Purpose

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

## Policy

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

### Definitions

"Co-curricular activity" means an activity, course, or program that:

- (a) is an extension of a curricular activity;
- (b) is included in an instructional plan and supervised or conducted by a teacher or educational professional;
- (c) is conducted outside of regular School hours;
- (d) is provided, sponsored, or supported by the School; and
- (e) includes a required regular School day activity, course, or program.

"Curricular activity" means an activity, course, or program that is:

- (a) intended to deliver instruction;
- (b) provided, sponsored, or supported by the School; and
- (c) conducted only during School hours.

"Extracurricular activity"

- (a) means an activity, a course, or a program that is:
  - (i) not directly related to delivering required instruction;
  - (ii) not a curricular activity or co-curricular activity; and
  - (iii) provided, sponsored, or supported by the School.
- (b) does not include a noncurricular club as defined in Section 53G-7-701.

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

- (a) regardless of how the charge, expense, deposit, rental, or payment is termed, described, requested, or required directly or indirectly;
- (b) in the form of money, goods, or services; and

- (c) that is a condition to a student's full participation in an activity, course, or program that is provided, sponsored, or supported by an LEA.

"Fee" includes:

- (a) charges or expenditures for a School field trip or activity trip, including related transportation, food, lodging, and admission charges;
- (b) payments made to a third party that provides a part of a School activity, class, or program;
- (c) charges or expenditures for classroom instructional equipment or supplies;
- (d) charges or expenditures for School activity clothing; and
- (e) a fine other than a fine described below.

"Fee" does not include:

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

"Instructional equipment or supplies"

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

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

- (a) is a personal discretionary charge or purchase, including:
  - (i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;
  - (ii) a charge for college credit related to the successful completion of:
    - (A) a concurrent enrollment class; or
    - (B) an advanced placement examination; or

- (iii) except when requested or required by the School, a charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item;
- (b) is subject to sales tax as described in Utah State Tax Commission Publication 35, Sales Tax Information for Public and Private Elementary and Secondary Schools; or
- (c) by Utah Code, federal law, or State Board of Education rule is designated not to be a fee, including:
  - (i) a school uniform as provided in Utah Code § 53G-7-801;
  - (ii) a school lunch; or
  - (iii) a charge for a replacement for damaged or lost School equipment or supplies.

"Provided, sponsored, or supported by the School"

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

"Provision in lieu of fee"

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

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

- (a) fully participate in school or in a School activity, class, or program;
- (b) successfully complete a School class for the highest grade; or
- (c) avoid a direct or indirect limitation on full participation in a School activity, class, or program, including limitations created by:
  - (i) peer pressure, shaming, stigmatizing, bullying, or the like; or



- (ii) withholding or curtailing any privilege that is otherwise provided to any other student.

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

- (a) that meets specific requirements, including requesting a specific brand, fabric, or imprint; that the School requires a student to provide; and that become the property of the student upon exiting the activity, course, or program; and
- (b) that are required to be worn by a student for an activity-, course-, or a program-related activity.

“School activity clothing” does not include:

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

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

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

“Something of monetary value”

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

“Textbook”

- (a) means instructional material necessary for participation in an activity, course, or program, regardless of the format of the material;
- (b) includes:

- (i) a hardcopy book or printed pages of instructional material, including a consumable workbook; or
- (ii) computer hardware, software, or digital content; and
- (c) does not include instructional equipment or instructional supplies.

“Waiver” means a full release from the requirement of payment of a fee and from any provision in lieu of fee payment.

### **General School Fees Provisions**

The School may only collect a fee for an activity, class, or program provided, sponsored, or supported by the School consistent with School policies and state law.

If the School imposes a fee:

- (a) the fee shall be equal to or less than the expense incurred by the School in providing for a student the activity, course, or program for which the School imposes a fee; and
- (b) the School may not impose an additional fee or increase a fee to supplant or subsidize another fee, including a fee to supplant or subsidize an expense that the School incurs for:
  - (i) a curricular activity; or
  - (ii) an expense for the portion of a co-curricular activity that occurs during regular school hours.

Beginning with the 2024-25 school year, the School may not sell textbooks or otherwise charge a fee for textbooks as provided in Section 53G-7-506, except for a textbook used for a concurrent enrollment, International Baccalaureate, or Advanced Placement course.

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

The School shall not charge a fee that is general in nature and for a service or good that does not have a direct benefit to the student paying the fee. In addition, except as set forth in this policy with respect to fees for life-cycle replacement costs for School equipment, the School may not charge a fee for School equipment.

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

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

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

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

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

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

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

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

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

Fees may be charged in grades 7-12 in connection with an activity, class, or program provided, sponsored, or supported by the School that takes place during the regular school day if the fee is noticed and approved as provided in R277-407 and is allowed to be charged by state law. All such fees are subject to waiver. In addition, if an established or approved class requires payment of fees or purchase of items in order for students to fully participate and to have the opportunity to acquire skills and knowledge required for full credit and highest grades, the fees or costs for the class are subject to waiver.

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

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

The School may charge students in grades 7-12 a fee for a curricular activity or a co-curricular activity that is not required for the instruction of established core standards as described in Utah Code § 53E-4-202 or § 53E-4-204 and that is an elective. However, beginning with the 2025-26 school year, the School may not charge students in grades 7-12 a fee for a curricular activity or a co-curricular activity that is required for the instruction of established core standards as described in Utah Code § 53E-4-202 or § 53E-4-204, and that is not an elective, unless the fee is for the following:

- (a) instructional equipment or supplies;
- (b) a driver education course described in Utah Code § 53G-10-503;
- (c) charter school application processing in accordance with Utah Code § 53G-6-503; or

- (d) competency remediation programs in accordance with Utah Code § 53G-9-803;
- (e) the life-cycle replacement costs for School equipment directly related to the co-curricular activity;
- (f) a music instrument rental; or
- (g) school activity clothing.

If the School charges a fee for a co-curricular activity as set forth above, a fee for the portion of the co-curricular activity that is during the regular school day is limited to the fees described in subsections (a)-(g) above.

### Fees for Adult Education and Advanced Courses

The School may charge students in grades 7-12 fees for an adult education course or for tuition, college credit, an exam, or a textbook for an Advanced Placement course, an International Baccalaureate course, or a concurrent enrollment course, as described in Utah Code § 53G-7-503(4).

### Fees for Remediation Programs

The School may charge students in grades 7-12 fees to participate in the School's remediation programs.

### Fees for Optional Projects

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

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

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

A fee related to a co-curricular or extracurricular activity may not exceed the maximum fee amounts for the co-curricular or extracurricular activity adopted by the Board, as provided below.

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

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

### **Fee Schedule**

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

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

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

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

In connection with approving a fee schedule, the Board shall authorize each fee individually as required in Utah Code § 53G-7-503.

### **Maximum Fee Amounts**

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

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

## **Notice to Parents**

The Executive Director will annually provide written notice of the School's Fee Schedule and Fee Waiver Policy to the parent or guardian of each student in the School by ensuring that a written copy of the School's Fee Schedule and Fee Waiver Policy is included with all registration materials provided to potential or continuing students each year.

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

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

## **Donations**

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

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

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

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

## **Fee Collection**

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

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

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

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

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

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

### **Fee Refunds**

Student fees are non-refundable.

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

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

Beginning with the 2020-2021 school year, the School will establish a spend plan for the revenue collected from each fee charged. The spend plan will (a) provide students, parents, and employees transparency by identifying a fee's funding uses; (b) identify the needs of the activity, course, or program for the fee being charged and include a list or description of the anticipated types of expenditures, for the current fiscal year or as carryover for use in a future fiscal year, funded by the fee charged.

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

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

Fees must be received and deposited in a timely manner.

Money may only be collected by staff authorized by the Executive Director. Students may not collect fees.

Beginning in the 2020-21 school year, the School may not use revenue collected through fees to offset the cost of fee waivers by requiring students and families who do not qualify for fee waivers to pay an increased fee amount to cover the costs of students and families who qualify for fee waivers. However, the School may notify students and families that the students and families may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families.

### **Fee Waiver Provisions**

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

All fees are subject to waiver.

Non-waivable charges are not subject to waiver.

### **Fee Waiver Administration**

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

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

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

### **Fee Waiver Eligibility**

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



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

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

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

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

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

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

### **Fee Waiver Approval Process**

A Principal or the Executive Director will inform patrons of the process for obtaining waivers and will provide a copy of the standard fee waiver application on the School's website and in registration materials each year.

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

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

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

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

### **Appeal Process**

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

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

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

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

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

reasonable period of time; and (d) the service is at least equal to the minimum wage for each hour or service.

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

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

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

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

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

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

The Board will review and approve this policy annually.

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

# Financial Reporting Policy

Adopted: April 3, 2019

Reviewed: June 4, 2020

Reviewed: April 23, 2021

Reviewed: August 4, 2022

## Purpose

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

## Policy

The School will ensure that financial reporting for the School is performed in accordance with GAAP and that audits of the School’s financial reporting are performed in accordance with GAAS.

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

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

The School will provide data and information consistent with budgeting, accounting (including the uniform chart of accounts for LEAs), and auditing standards for Utah LEAs provided online annually by the Utah State Superintendent of Public Education.

# Home School Student Participation in Statewide Assessments Policy

Adopted: April 3, 2019 (Home School Student Participation in U-PASS Policy)

Revised: October 14, 2020

## Purpose

The purpose of this policy is to set forth the responsibilities of Utah Virtual Academy (the “School”) in the event a home school student requests to participate in statewide assessments at the School.

## Policy

A home school student may participate in statewide assessments at the School’s Murray testing location (not any of the School’s other testing locations) if each of the following conditions are met:

- (1) The student is a Utah resident as defined in Utah Code § 53G-6-302 and proof of residency has been provided to the School;
- (2) The student has satisfied the home schooling requirements of Utah Code § 53G-6-204 and a copy of the certificate from a local school board excusing the student from attendance at school during the applicable school year has been provided to the School;
- (3) The request for the student to participate in statewide assessments at the School is provided to the School at least thirty (30) days prior to the opening of the applicable state assessment window; and
- (4) The parent or guardian of the student, or a responsible adult designated by the student’s parent or guardian, agrees to remain at the School’s testing location in a designated area while School personnel administer and proctor the test. The parent or guardian of the student agrees that they will not participate in the monitoring or proctoring of the student’s statewide assessments.

The School will respond to a home school student’s request to participate in statewide assessments at the School’s Murray testing location in a timely manner. If the request is approved, the School will notify the student’s parent or guardian of the date(s) and time(s) of the applicable statewide assessments testing and any other information deemed relevant by the School.

The School may not require a home school student to pay a fee for participating in statewide assessments at the School that is not charged to traditional students.

A home school student or the student's parent or guardian may request from the School an annual schedule of statewide assessments dates at the School, the testing location of the School at which home school students may be tested, and a copy of the School's written policies for home school student participation in statewide assessments at the School. The School will provide such requested information in a timely fashion.

The School will comply with Utah Administrative Code R277-404 and the Standard Test Administration and Testing Ethics Policy described therein when administering statewide assessments to its students and home school students who participate in U-PASS at the School's Murray testing location in accordance with this policy and applicable law.

The School intends for this policy to be consistent with the provisions of Utah Administrative Code R277-604-4.

# Home Visit and Well Check Policy

Adopted: January 11, 2023

Revised:

## Purpose

While Utah Virtual Academy (the “School”) communicates with its students and parents/guardians primarily through virtual means, sometimes it is necessary or helpful for School personnel to visit with them in person, including at their homes. In addition, some circumstances may justify School personnel to ask police to conduct well checks on students at their home. The purpose of this policy and accompanying procedures is to explain the circumstances and processes by which School personnel may make a visit to and/or ask police to conduct a well check at a student’s home.

## Policy

### Home Visits

School personnel may, with the approval of the Executive Director or his/her designee(s), make home visits to students. Where possible, School personnel shall schedule home visits in advance with a student’s parent/guardian. Home visits may be made to students who are struggling in some manner at the School, including but not limited to students who have poor attendance, are failing courses, are not participating in class, or are rarely interacting with their teachers or other students.

The Executive Director shall establish administrative procedures that further specify the circumstances under which home visits can be made and that outline the process School personnel shall follow when arranging and conducting home visits.

### Well Checks

School personnel may also, with the approval of the Executive Director or his/her designee(s), ask police to conduct well checks on students at their home. Where appropriate, School personnel shall inform parents/guardians of this policy and accompanying procedures prior to asking police to conduct a well check. Well checks may be requested in circumstances where a student’s well-being or safety may be in jeopardy, including but not limited to times when a student has missed a significant number of consecutive days at school without an explanation by the student or student’s parent/guardian or when the School has been unable to contact a student or the student’s parent/guardian for a substantial amount of time.

The Executive Director shall establish administrative procedures that further specify the circumstances under which School personnel can ask police to conduct well checks on

students and that outline the process School personnel shall follow when asking police to conduct such well checks.



# Internal Controls Policy

Adopted: June 12, 2008

Revised: October 12, 2022

## Purpose

The purpose of this policy is to set forth the financial management practices that Utah Virtual Academy (the “School”) systematically uses to help prevent misuse and misappropriation of School funds and assets.

## Policy

**Separation of Duties** – Duties are divided so that no one person has complete control over a key function or activity. The check signatory must not be the person who creates checks or who does the bookkeeping. Someone, other than the check signer, reconciles bank statements. A person other than the one recording the receipts prepares deposit documentation and reconciliations.

**Authorization and Approval** – Proposed transactions are authorized by the School’s Board of Directors (the “Board”) in accordance with School policies and procedures and applicable rules, regulations, and laws.

**Custodial and Security Arrangements** – Responsibility for custody of assets is separated from the related record keeping.

**Review and Reconciliation** – Records are examined and reconciled to determine that transactions were properly processed and approved. Reconciliations are presented to the Finance Committee monthly and/or to the Board at each regularly scheduled Board meeting.

**Physical Controls** – Equipment, inventories, and other assets are secured physically, counted periodically, and compared with amounts shown on control records.

**Training** – Employees are trained to ensure that control processes function properly.

**Expense Reports** – To properly control reimbursement activities, the Operations Manager or Executive Director is responsible for approving all expense reimbursements submitted by School staff. The Executive Director is responsible for approving expense reimbursements submitted by the Operations Manager. The Board President or Board Financial Coordinator is responsible for approving expense reimbursements submitted by the Executive Director. The School’s accounting staff is responsible for entering all payments into the appropriate general ledger and creating the checks. The Board President, Board Financial Coordinator, or Executive Director, as applicable, signs the checks and expense reports approved through the procedure as defined above.

Authorization and Approval – Employees never approve actions affecting their own reimbursement. The Executive Director, Board President, and Operations Manager have signature authority.

Review and Reconciliation – The School’s bank statements are addressed to the School’s administrative office. Bank statements shall be reviewed and reconciled monthly by the School’s accounting staff. The Executive Director reviews the bank statements in advance of the reconciliation by the accounting staff. Copies of the bank reconciliation are provided to the Finance Committee monthly and/or to the Board at each regularly scheduled Board meeting.

# Investment Policy

Adopted: February 8, 2023

Revised:

## Purpose

Utah Virtual Academy (the “School”) shall invest its cash assets in such a manner as to comply with the requirements of the State Money Management Act (the “Act”) as set forth in Utah Code § 51-7-1 *et seq.*

Although certain market conditions may allow for short-term investment of funds in a vehicle other than the Utah Public Treasurers’ Investment Fund (“PTIF”), the primary purpose of this policy is for the investment of funds for periods of 24 months or longer.

The objectives of this policy include the following:

- A. To provide for the safety of principal, preservation of capital, and mitigation of risk.
- B. To provide for the liquidity necessary to match the School’s cash requirements.
- C. To increase interest income through higher yielding investments.

## Policy

The School shall make investment decisions as follows:

- A. All investment activities shall be conducted with the same degree of judgment and care which an ordinary reasonable person exercises in the management of their own affairs.
- B. Professionals retained by the School as defined in the Act, so long as they are acting in accordance with the Act and this policy and exercise due diligence, shall be relieved of personal responsibility for credit or market price changes, provided that deviations are reported to the Board of Directors (the “Board”) in a timely fashion and appropriate action, if necessary, is taken to control adverse developments.
- C. Individuals involved in the School’s investments shall refrain from personal business activity in conflict with proper execution of this policy.
- D. The Board shall manage investment activities authorized by the Act in consultation with Academica West and, where required, a certified investment

- adviser. The Board shall maintain a system of internal controls so that School funds are protected at all times from loss, theft, and fraud.
- E. The Board shall name a financial institution with a Utah office as the custodian for all investments made by the School other than PTIF investments, which are held by financial institutions designated by the State Treasurer. In addition, the School shall purchase investments only from those certified dealers and registered agents that have registered with the State Money Management Council.
  - F. To the extent possible, the School shall attempt to match investments with anticipated cash requirements, although the PTIF is preferred for periods up to two years.
  - G. Transfers into and out of the School's investment accounts to accomplish the objectives of this policy may be made when approved by the Executive Director and two (2) Board Members (with at least one of the Board Members being the Board President or Financial Coordinator) in consultation with Academica West or the School's business manager. All such transfers shall be reported to the Board.

# Kindergarten Toilet Training Policy

Adopted: August 8, 2024

## Purpose

The purpose of this policy is to establish the toilet training requirements for kindergarten students at Utah Virtual Academy (the “School”).

## Definitions

“Toilet trained” means that a student can:

- (a) communicate the need to use the bathroom to an adult;
- (b) sit down on a toilet;
- (c) use the toilet without assistance;
- (d) undress and dress as necessary; and
- (e) tend to personal hygienic needs after toileting.

If an accident occurs, a “toilet trained” child can independently tend to hygienic needs and change clothes.

A student is not “toilet trained” if the student has accidents with sufficient frequency to impact the educational experience of the student or the student’s peers, as determined by an LEA.

## Policy

### General Rule

As required by Utah Code § 53G-7-203 and R277-631, the School shall not enroll a student in kindergarten unless the student is toilet trained, with the following exception: the School may enroll a student who is not toilet trained if the student’s developmental delay is a result of a condition addressed by an IEP or Section 504 plan.

### Assurance

The School shall, as part of its kindergarten enrollment process, require the parent of an incoming kindergarten student to complete an assurance as to whether the student is toilet trained.

### Enrolled Kindergarten Students Who Lack Toilet Training

In the event a kindergarten student is enrolled in the School and lacks toilet training, the School shall:

- (a) consider whether the student's delay in toileting capability may be a sign of a disability that could impact the student's education, including initial evaluation consistent with the School's child find obligations, if appropriate; and
- (b) refer the student and the student's parents to a School social worker or School counselor, if any, and to the School's Principal or Executive Director to:
  - (i) provide additional family supports and resources; and
  - (ii) create an individualized plan to address the student's needs.

#### Individualized Plan for Kindergarten Students Who Lack Toilet Training

The individualized plan referenced above may, as appropriate and at the Principal's or Executive Director's discretion, require an enrolled kindergarten student to either attend less than the student's regular school day or not attend any of the school day until the student is toilet trained.

If the student is permitted to continue attending school as part of the student's individualized plan, the School may allow the student's parent or the parent's adult designee to toilet train the student during the school day. If the student is not permitted to continue attending school as part of the student's individualized plan, the School shall coordinate with the student's parents to reintegrate the student back into school, as appropriate, once the student has become toilet trained. Prior to reintegrating a student back into school under such circumstances, the School may require the student's parent to complete another assurance that the student is toilet trained.

If a parent of an enrolled kindergarten student who is not toilet trained is unwilling or unable to make or complete an individualized plan within a reasonable amount of time, or if an enrolled student who does not have an IEP or Section 504 plan addressing their developmental delay condition is otherwise unable to become toilet trained within a reasonable amount of time, the School may unenroll the student from the School.

# Language Access Policy

Adopted: May 10, 2023

## Purpose

The purpose of this policy is to help ensure that Utah Virtual Academy (the “School”) provides access to its services, programs, and activities to persons who have limited English proficiency and understand languages other than English.

## Definitions

For purposes of this policy, the following terms have the following meanings:

“Primary language” means the first language spoken by a student and a student’s parent/guardian.

“Interpretation” means simultaneous communication between a speaker of English and a speaker of another language.

“Translation” means written communication wherein the written words of one person are communicated to others in writing in a different language.

## Policy

### Language Access Coordinator

The School’s Executive Director shall designate a Language Access Coordinator who is responsible for implementing this policy at the School and ensuring that any necessary training on the policy is provided. The Language Access Coordinator may also recommend updates or changes to this policy in an effort to make the policy more effective.

### Notification to Employees

The School shall notify its employees of this policy, the rights of parents/guardians and students to receive language assistance services, and the proper procedures to access language assistance services as outlined in this policy.

### Determination of Primary Language

Within thirty (30) calendar days of a student’s enrollment (or re-enrollment) in the School, the School shall determine the primary language spoken by the student and the student’s parent/guardian, and if such language is not English, whether the student and

parent/guardian require language assistance to communicate effectively with the School.

The School shall maintain a current record of the primary language of each parent/guardian of students enrolled in the School.

### Obligation to Provide Language Assistance Services

The School shall, consistent with this policy and applicable law, provide translation and interpretation services to students and parents/guardians who require language assistance in order to communicate effectively with the School.

#### *Interpretation Services*

The School shall provide interpretation services during regular business hours to parents/guardians and their students who require such services in order to communicate with the School regarding critical information about the students' education. Depending upon availability, such interpretation services may be provided at the School, a reasonable location agreed upon by the School and a student's parent/guardian, or virtually.

The School shall provide the interpretation services described above for School activities, including but not limited to:

- (a) classroom activities;
- (b) impromptu and scheduled office visits or phone calls;
- (c) enrollment or registration processes;
- (d) the Individualized Education Program (IEP) process;
- (e) student educational and occupational planning processes;
- (f) fee waiver processes;
- (g) parent engagement activities;
- (h) student disciplinary meetings;
- (i) community councils (if any);
- (j) board meetings;
- (k) other School activities; and
- (l) other interactions between the parents/guardians of a student learning English and educational staff at the School.

#### *Translation Services*

The School shall provide translations of School materials to parents/guardians and their children who require them to communicate effectively with the School, and such materials include, but are not limited to:

- (a) registration or enrollment materials, including home language surveys and English learning program entrance and exit notifications;



- (b) assignments and accompanying materials;
- (c) report cards or other progress reports;
- (d) student discipline policies and procedures;
- (e) grievance procedures and notices of rights and nondiscrimination;
- (f) parent or family handbooks;
- (g) requests for parent permission; and
- (h) any other guidance, including guidance on when oral interpretation is preferable to written translation, to improve instruction and assistance by teachers, counselors, and administrators to a student learning English and the student's parents/guardians and family.

### *Centrally Produced Critical Communications*

The School shall identify documents that it distributes or electronically communicates to parents/guardians containing critical information regarding their child's education, including, but not limited to, documents pertaining to:

- (a) registration, application, and selection;
- (b) standards and performance (e.g., standard text on report cards);
- (c) conduct, safety, and discipline;
- (d) special education and related services; and
- (e) transfers and withdrawals.

The School shall procure translations of the applicable critical communications listed above in a timely manner, in each of the covered languages, and work to make such translations available to parents/guardians and students of the School.

### *Student-Specific Critical Documents*

Where required under this policy, the School shall provide parents/guardians with a translation of important documents that contain individual, student-specific information regarding, but not limited to, their student's:

- (a) health;
- (b) safety;
- (c) legal or disciplinary matters; and
- (d) entitlement to public education or placement in any special education, English language learner or non-standard academic program.

### Qualifications of Interpreters and/or Translators

Individual interpreters and translators provided by the School do not have to be certified unless certification is required by law. However, they should be competent and, where possible, have experience providing interpretation or translation services for school activities and materials listed in this policy. Where deemed appropriate by the School's Executive Director or Language Access Coordinator, the School may utilize online

translation services such as Google Translate or Microsoft Translator to translate School materials or documents described in this policy.

The School shall follow its Special Education Policies and Procedures Manual when providing interpretation and translation services for students with disabilities.

### **Complaints**

If any parent/guardian or student feels that they are not receiving the language assistance services set forth in this policy, they may address those concerns through the School's Parent Grievance Policy.

### **Annual Review of Policy**

The School shall review this policy for efficacy on an annual basis. As part of this review, and for purposes of evaluating the effectiveness of this policy, the School may consult with its stakeholders and community members, refugee resettlement agencies, immigration services organizations, ethnic based community organizations.

# LEA-Specific Educator License Policy

Adopted: August 19, 2020

Revised: March 9, 2022

## Purpose

Utah Virtual Academy (the “School”) is committed to employing educators who are properly licensed and qualified for their positions. This policy is adopted in accordance with Rule R277-301 and governs the School’s application for LEA-specific educator licenses and its employment of educators on such licenses.

The School acknowledges that the purpose of LEA-specific educator licenses is to allow the School to hire otherwise qualified educators during the period that they are preparing and completing requirements to qualify for an associate educator license or a professional educator license.

## Policy

### Applying for an LEA-Specific Educator License

The School’s administration will propose to the Board of Directors (the “Board”) candidates for an LEA-specific educator license as the need arises.

When the administration proposes a candidate for an LEA-specific license, they will follow the procedures below and provide the Board with an explanation and rationale for requesting an LEA-specific educator license under the criteria contained in this policy.

When the Board determines that it is appropriate under this policy, the Board will approve the request for an LEA-specific educator license in a public meeting. Approval will take place no more than 60 days prior to submitting the application to the USBE on behalf of the candidate.

The Board will apply for the LEA-specific educator license for one, two, or three years as requested by the administration and approved by the Board, and in accordance with R277-301-7.

The School may not issue an LEA-specific license area of concentration to an educator for the license areas identified in R277-301-7, including special education, pre-school special education, deaf education, school psychologist, school social worker, audiologist, speech language therapist, or speech language pathologist.

In accordance with R277-301-8, the Board may request an eminence designation for an LEA-Specific license, license area, or endorsement for a teacher whose employment with the School is no more than 37% of a teacher’s regular instruction load.

## Criteria for Employing Educators with an LEA-Specific Educator License

The School will use the following processes and consider the following criteria in determining whether to employ an educator and apply for an LEA-specific educator license:

1. Vet each candidate and contact references in order to verify that they are a strong candidate. In particular, ensure that the candidate does not have any prior misconduct that would impair their success in teaching.
2. Interview each candidate and verify that they support the School's focus.
3. Consider the extent to which each candidate has training in the content area and the ability to facilitate student learning in that content area.
4. Consider the extent to which each candidate has experience and the ability to effectively teach courses.
5. Consider whether the LEA-specific educator license is sought in a content area in which there is a shortage of qualified educators in the state.

When an LEA-specific license, license area, or endorsement is sought for an educator for a subject that comprises less than 50% of the educator's course load, the following criteria may also be considered:

1. Consider whether the educator is a certified teacher in other content areas.
2. Consider whether the number of periods to be taught under the LEA-specific license, license area, or endorsement constitutes a full teaching load.
3. Consider whether the School currently employs or is hiring a teacher who does not have a degree or endorsement in the content area but who can also teach other areas in which they are licensed.
4. Consider whether the educator has demonstrated proficiency in teaching these courses.
5. Consider whether the administration has identified other qualified candidates with the necessary dual licensing.

The School will also ensure that a candidate for an LEA-specific educator license has completed (or will timely complete) the required criminal background check and educator ethics review described in R277-301-7.

### Educator Preparation and Support

Within the first year of employment, the School will train each educator holding an LEA-specific educator license on:

- (a) educator ethics;
- (b) classroom management and instruction;
- (c) basic special education law and instruction; and
- (d) the Utah Effective Teaching Standards described in R277-530.

### Website Posting

This policy will be posted on the School's website.

The School will also prominently post the following information on its website:

- (a) disclosure of the fact that the School employs individuals holding LEA-specific licenses, license areas, or endorsements;
- (b) an explanation of the types of licenses issued by the USBE;
- (c) the percentage of the types of licenses, license areas, and endorsements held by educators employed in the School based on the employees' FTE as reported to the USBE Superintendent; and
- (d) a link to the Utah Educator Look-up Tool provided by the USBE Superintendent in accordance with Subsection R277-312-7(6).

# **Paid Professional Hours for Educators Policy**

Adopted: January 9, 2025

## **Purpose**

The purpose of this policy is to establish the parameters by which Utah Virtual Academy (the “School”) will provide paid professional hours to its educators.

## **Definitions**

For purposes of this policy:

“Educator” means full-time and part-time educators employed by the School in the following positions:

- (a) general education teachers;
- (b) special education teachers;
- (c) counselors;
- (d) administrators;
- (e) specialists;
- (f) student support (may include librarians, instructional coaches, or other certified positions that work for the School);
- (g) psychologists;
- (h) speech language pathologists; and
- (i) audiologists.

“Paid professional hours” means hours outside of an educator’s contracted hours.

“Program funds” means funds allocated to the School in accordance with Utah Code § 53F-7-203 to provide paid professional hours to the School’s educators.

“Qualifying time” means the hours spent engaged in professional learning, including:

- (a) time spent traveling for the professional learning; and
- (b) time engaged in the professional learning.

## **Policy**

The School shall follow Utah Code § 53F-7-203 and Utah Administrative Code R277-629 regarding providing paid professional hours from program funds to the School’s educators.

## **Allowable Uses of Program Funds**

Program funds for paid professional hours shall be used to provide educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging state academic standards. Accordingly, program funds may be used by the School to provide paid professional hours to its educators for the:

- (a) activities described in Utah Code § 53F-7-203(4)(b), including but not limited to qualifying time for professional learning as determined between an educator and the School's Executive Director; and
- (b) professional learning expenses described in Utah Code § 53F-7-203(4)(c).

The School shall not use program funds to cover costs that are not outlined in Utah Code § 53F-7-203, including indirect costs.

The maximum number of paid professional hours from program funds that an educator may receive from the School in one fiscal year is 32.

### Educator Responsibilities

As a condition to receiving program funds, an educator shall, except as provided in Utah Code § 53F-7-203(5)(b)(i):

- (a) on or before September 30 of each year, create a plan, in consultation with the School's Executive Director, on how the educator plans to use the paid professional hours; and
- (b) before the end of a given fiscal year, provide a written statement to the School's Executive Director of how the educator used the paid professional hours.

Notwithstanding the foregoing, all educators' plans regarding their proposed use of paid professional hours are subject to review by the School's Executive Director. The Executive Director has discretion to approve or deny an educator's plan to the extent allowed by law. Educators may not receive paid professional hours until their plan has been approved by the Executive Director.

### Timing and Method of Payment of Paid Professional Hours

The School's Executive Director shall decide, in consultation with the School's accounting and payroll staff, the timing and method in which paid professional hours will be paid out to the School's educators. However, the School shall pay out an educator's paid professional hours by June 30 annually.

Paid professional hours for an educator's qualifying time for professional learning shall be paid out at the educator's approximate contracted hourly rate for the most recent school year. Program funds used to pay for an educator's professional learning expenses shall count toward the educator's paid professional hours allocation and shall be paid out in an amount and manner that ensures the School's paid professional hours allocation for the educator is not exceeded.

The School may, in the Executive Director's discretion, pro-rate program funds for an educator's paid professional hours if the educator's employment with the School ends before the end of the School year.



# Parent and Family Engagement Policy

Revised: October 12, 2022

## Purpose

In support of strengthening student academic achievement, Utah Virtual Academy (the “School”) receives Title I, Part A funds and must jointly develop with, agree on with, and distribute to parents and family members of participating children a written parent and family engagement policy that contains information required by Section 1116 of the Every Student Succeeds Act (the “ESSA”). This policy establishes the School’s expectations and objectives for meaningful parent and family involvement, describes how the School will implement a number of specific parent and family engagement activities, and is incorporated into the School’s plan submitted to the state pursuant to Section 1112 of the ESSA. The purpose of an effective parent and family engagement policy is to improve all students’ academic achievement.

## Policy

The School agrees to implement the following requirements as outlined by Section 1116 of the ESSA:

- Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, Part A, including the planning, review, and improvement of this policy and the joint development of the targeted assistance or schoolwide program plan.
- Update this policy periodically to meet the changing needs of parents and the School, distribute it to the parents and family members of participating children, and make this policy available to the local community.
- Provide full opportunities, to the extent practicable, for the participation of parents and family members with limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children, including providing information and school reports required under Section 1111 of the ESSA in an understandable and uniform format and, to the extent practicable, in a language parents understand.
- If the targeted assistance or schoolwide program plan under Section 1114(b) of ESSA is not satisfactory to the parents of participating children, submit any parent comments with such plan when the School submits the plan to the state.
- Be governed by the following statutory definition of parent and family engagement and will carry out programs, activities, and procedures in accordance with this definition:

*Parent and family engagement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:*

- *That parents play an integral role in assisting their child’s learning;*

- *That parents are encouraged to be actively involved in their child's education at school;*
- *That parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees (if any) to assist in the education of their child; and*
- *The carrying out of other activities, such as those described in Section 1116 of the ESSA.*

### Required Policy Components

Below is a description of how the School will implement or accomplish each of the following components required by Section 1116 of the ESSA:

- Joint Development of Policies, Plans, Compact, and Programs. The School will take the following actions to involve parents and family members in an organized, ongoing, and timely manner in the planning, review, and improvement of Title I policies, plans, compact, and programs:
  - Distribute a copy of this policy and the school-parent compact to parents and family members at the beginning of each school year through appropriate channels, such as the registration packet. The policy and school-parent compact will also be posted on the School's website.
  - Notify parents and family members of an annual meeting where parents and family members will be informed about the School's participation in and the requirements of Title I programs.
  - Hold other parent and family meetings at flexible times during the school year to provide parents and family members with ongoing information, training, and materials to help them work with their children in the areas such as literacy, numeracy, and technology.
  - Hold parent-teacher conferences at least annually, where student achievement, behavior, and/or the school-parent compact will be reviewed and discussed.
  - The School and state websites will provide parents with information related to expected student proficiency levels.
  - The School website will provide parents with a description and explanation of the School's curriculum, mission, calendar information, policies, and opportunities for school and parent interaction.
  - Conduct an annual review and evaluation of this policy, the school-parent compact, and targeted assistance or schoolwide program plan. As part of the annual review and evaluation, the School will consider, and implement if appropriate, any suggestions or feedback provided by parents and family members on how the School can improve this policy and the associated compact and plan. Suggestions or feedback may be provided to the School in the form of results from the School's needs assessment and evaluation given to parents, comments made by parents and family members in meetings at the School and during parent-teacher conferences, or through other means. The annual review and evaluation of this policy will also include identifying such things as barriers to parent

engagement (especially engagement of parents who are economically disadvantaged, disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background); needs of parents and family members to enable them to assist with the learning of their children; and strategies to support successful school and family interactions.

- **Communications.** The School will take the following actions to provide parents and family members timely information about the Title I programs in which the School participates:
  - Distribute a copy of the updated version of this policy and the school-parent compact to parents and family members at the beginning of each school year through appropriate channels, such as the registration packet.
  - Provide information related to the Title I programs, meetings, and other activities to the parents of participating children in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand.
  
- **School-Parent Compact.** The School's school-parent compact outlines how parents, the entire School staff, and students will share the responsibility for improved student academic achievement and the means by which the School and parents will build and develop a partnership to help children achieve the state's high standards. The School will review the school-parent compact with parents of participating children by doing the following:
  - Distributing a copy of the updated version of the school-parent compact to parents and family members at the beginning of each school year through appropriate channels, such as the registration packet.
  - Obtaining all parties' signatures (electronic or written) on each school-parent compact on an annual basis.
  - Encouraging parents to review the school-parent compact with their children on a regular basis.
  - Considering, and implementing, if appropriate, any suggestions or feedback provided by parents and family members on how the School can improve its school-parent compact.
  
- **Reservation of Funds.** The School currently does not receive Title I allocations of \$500,000 or more. In the event the School's Title I allocations reach or exceed \$500,000 in the future, the School will follow the requirements in Section 1116(a)(3) of the ESSA.
  
- **Coordination of Services.** The School will, to the extent feasible and appropriate, coordinate and integrate parent and family engagement programs and activities with other federal, state, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children.

- Building Capacity of Parents. The School will build the parents' capacity for strong parent and family engagement to ensure effective involvement of parents and to support a partnership among the School and the community to improve student academic achievement through the following:
  - Providing opportunities for discussion with parents about the School's curriculum, forms of academic assessment used to measure student progress, and achievement levels of the challenging state academic standards.
  - Engaging parents with materials and training to help parents to work with their child to improve their child's achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parent and family engagement.
  - Giving parents information at parent-teacher conferences about their student's state core testing and other appropriate curriculum based assessments.
  - Providing progress reports to parents to communicate their student's academic performance throughout the school year.
  - Facilitating communication between parents and School personnel through the School's LAND Trust Committee.
  - Scheduling School meetings, as well as parent-teacher conferences, in a way that will maximize parent and family member involvement and participation.
  - Gathering, on an annual basis, input from parents through a variety of methods. For example, parent surveys, needs assessments, conversation, parent-teacher conferences, and School activities.
  - Providing assistance to parents, as appropriate, in understanding topics such as the following:
    - The challenging state's academic standards;
    - The state and local academic assessments, including alternate assessments;
    - The requirements of Title I, Part A;
    - How to monitor their child's progress; and
    - How to work with educators to improve the achievement of their child.
  
- Building Capacity of School Staff. The School will, with the assistance of parents, provide training to educate teachers, specialized instructional support personnel, principals/directors and other School leaders, and other staff on the value and utility of contributions of parents; how to reach out to, communicate with, and work with parents as equal partners; how to implement and coordinate parent programs; and how to build ties between parents and the School. The School may accomplish this training through in-person trainings and/or through the utilization of online print and video resources. The School may also provide other reasonable support for parent and family engagement activities under Section 1116 as parents may reasonably request.

## Parents and Family Members of Children Learning English

Any time this policy references “parents,” “family,” or “family members,” it includes parents and family members of students who are English language learners, regardless of the prevalence of children English language learners in the geographic area in which the School is located.

The School may seek assistance from community organizations to assist the School in communicating with parents and family members of students who are English language learners. If the School provides such assistance, it will try to determine the method of communication preferred by the parents and family members of students who are English language learners.

### **Review**

The School will annually review and evaluate this policy, the school-parent compact, and the targeted assistance or schoolwide program plan to determine their effectiveness in improving the academic quality of the School and academic achievement of its students. Results of the annual review and evaluation will be used to design strategies for more effective parent and family engagement.

# Parent Grievance Policy

Adopted: June 12, 2008

Revised: June 5, 2019

Revised: April 8, 2020

## Purpose

The purpose of this policy is to ensure that parents understand how to pursue the resolution of grievances, concerns, or disputes involving Utah Virtual Academy (the “School”). The School’s Board of Directors (the “Board”) values open communication between parents, faculty, staff, administration, and the Board. The Board encourages active parent participation in their children’s education, and hopes that parents will feel empowered to voice their opinions, volunteer at the School, and work as a team to provide the best education for their children. The Board also believes that individuals can generally resolve their own disputes through open, respectful communication. If a situation arises that cannot be resolved between the parties involved, then this policy shall be used.

## Policy

### Concerns Involving School Personnel

A parent who has a complaint against a faculty or staff member (including members of the administration) shall first address the issue with the other individual involved and work reasonably and in good faith to resolve the issue.

A parent that is not able to personally resolve a complaint against a faculty or staff member (other than a Principal or the Executive Director) may then raise the issue with the School’s Principal. The parent shall first send to the Principal a written complaint specifying the individual(s) involved, details of the incident(s) giving rise to the complaint, including dates and approximate times, details of an attempt to rectify the situation, and the requested solution. After sending the written complaint to the Principal, the parent and the Principal shall schedule a time to discuss the issue in person or via telephone. In the event the parent and the Principal are unable to resolve the complaint and the parent wishes to bring the issue to the Executive Director’s attention, the parent shall send the written complaint to the Executive Director along with details regarding the parent’s attempt to resolve the complaint with the Principal. After sending this information to the Executive Director, the parent and the Executive Director shall schedule a time to discuss the issue in person or via telephone.

If a parent’s complaint is against a Principal, the parent shall first address the issue with the Principal and work reasonably and in good faith to resolve the issue. The parent is not required to send the Principal a written complaint in this situation. However, in the event the parent and the Principal are unable to resolve the parent’s complaint and the

parent wishes to bring the issue to the Executive Director's attention, the complaint shall be directed to the Executive Director in writing. Complaints shall specify the individual(s) involved, details of the incident(s) giving rise to the complaint, including dates and approximate times, details of attempts to resolve the problem (including with the Principal), and the requested solution. After sending this information to the Executive Director, the parent and the Executive Director shall schedule a time to discuss the issue in person or via telephone.

If a parent's complaint is against the Executive Director, the parent shall first address the issue with the Executive Director and work reasonably and in good faith to resolve the issue. The parent is not required to send the Executive Director a written complaint in this situation.

In the event a parent and the Executive Director are unable to resolve the parent's complaint and the parent wishes to bring the issue to the Board's attention, the complaint shall be directed to the Board in writing. Complaints shall specify the individual(s) involved, details of the incident(s) giving rise to the complaint, including dates and approximate times, details of attempts to resolve the problem, and the requested solution. The Board shall then consider the complaint and take whatever action it deems appropriate.

In accordance with the foregoing, a parent shall not direct a complaint against a faculty or staff member to the Board unless and until the parent has worked in good faith to resolve the issue with the other individual, with the Principal, and with the Executive Director, as applicable.

#### Concerns Involving Board Policy

If a parent has a concern regarding Board policy, the parent may communicate with any or all members of the Board in person, via telephone, or through mail or email. A parent may also address the Board during the "public comment" portion of a Board meeting, if available. Parents may also request to be added to the Board meeting agenda by contacting the Board President at least three (3) working days prior to the scheduled meeting date. However, the Board President has discretion over the Board meeting agenda items and may elect not to place the item on the agenda.

Concerns that involve administrative practices or procedures shall be addressed with the Principal or Executive Director rather than the Board.

#### Concerns Involving Instructional Materials

There may be times a parent finds certain lessons, books, or other materials taught at the School objectionable for various reasons. If a parent objects to any such materials, the parent shall contact his/her student's teacher via e-mail. Teachers shall work with such parents to find, where possible, alternative materials to meet the educational objectives. The assessment for the lesson related to the objection must still be

completed by the student to show that the educational objectives have been met, unless the parent has exempted the student from the assessment. Parents may also contact K12 directly using the feedback option of the OLS regarding their concerns involving the School's instructional materials.



## **Procurement Policy**

Adopted: May 24, 2007

Revised: April 3, 2019

Reviewed: June 4, 2020

Reviewed: April 23, 2021

Amended: March 9, 2022

### **Policy**

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

### **Procurement Processes**

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

#### Quotes or Bids Not Required

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

#### Quotes or Bids Required

For small purchases as defined in R33-5-107, which will typically include purchases of items between \$5,000.01 and \$50,000 other than professional services or construction projects, the School will obtain at least two competitive bids or quotes that include minimum specifications and purchase from the responsible vendor offering the lowest bid or quote meeting the specifications. The School will also record and maintain as a governmental record the names of the vendors offering bids or quotes and the date and amount of each bid or quote.

#### Formal Procurement Process Necessary

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

## Professional Services

For small purchases of professional service providers and consultants as defined in R33-5-108, which will typically include purchases of such services up to \$100,000 per project, the School will first review the qualifications of at least three companies, firms, providers, and/or individuals and then select one through direct negotiation. Obtaining competitive bids or quotes for the above-described small purchases is not required.

For small purchases of design professional services as defined in R33-5-105, which will typically include purchases of such services up to \$100,000 per project, the School will first review the qualifications of at least three design professional firms and then select one through direct negotiation. The School will also include minimum specifications when doing a small purchase of design professional services as defined in R33-5-105. Obtaining competitive bids or quotes for the above-described small purchases is not required.

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

## Construction Projects

For small purchases of construction projects as defined in R33-5-106, the School may procure a small construction project up to \$25,000 from a contractor without obtaining competitive bids or quotes after documenting that all building code approvals, licensing requirements, permitting, and other construction related requirements are met. When procuring a small construction project costing between \$25,000.01 and \$100,000, the School will obtain at least two competitive bids or quotes that include minimum specifications and will award the project to the contractor with the lowest bid or quote that meets the specifications after documenting that all applicable building code approvals, licensing requirements, permitting, and other construction related requirements are met.

The School will include minimum specifications when doing a small purchase of a construction project as defined in R33-5-106. Contractors selected by the School to do a small construction project must certify that they are capable of meeting the minimum specifications of the project.

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

## **Other Requirements**

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

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

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

When entering into a contract, the School will ensure that the contract includes appropriate language regarding the scope of work to be performed, adequately addresses any applicable federal requirements, and includes language regarding data privacy and use, where appropriate. The School will ensure that the appropriate legal review of contract language is performed prior to entering into the contract.

Any alleged violations of this policy or applicable law shall be reported in writing to the School's Executive Director or Board of Directors.

# **Prohibiting the Aiding and Abetting of Sexual Abuse Policy**

Adopted: July 3, 2019

Revised:

## **Background**

Under Section 8546 of the Every Student Succeeds Act (“ESSA”) (20 U.S.C. § 7926), every state, state educational agency (“SEA”), and/or local educational agency (“LEA”) that receives ESSA funds must have in place laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any SEA or LEA, from assisting a school employee, contractor, or agent in obtaining a new job (apart from the routine transmission of administrative and personnel files) if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent has engaged in sexual misconduct regarding a student or minor in violation of the law. Under the law, an SEA, LEA, or individual acting on behalf of one of those entities would not be prohibited from following routine procedures regarding the transmission of administrative or personnel files but would be prohibited from doing more than that to help the employee obtain new employment.

## **Purpose**

To inform all employees of the Utah Virtual Academy (the “School”) of the prohibition on aiding and abetting sexual abuse through assisting a school employee, contractor, or agent in obtaining a new job if such individual has engaged in sexual misconduct regarding a student or minor in violation of the law.

## **Policy**

An employee, contractor, or agent of the School is prohibited from assisting another school employee, contractor, or agent in obtaining a new job if the School employee, contractor, or agent knows or has probable cause to believe that such other school employee, contractor, or agent has engaged in sexual misconduct regarding a minor or student in violation of the law.

For purposes of this policy, “assisting” includes, but is not limited to, providing employment references or recommendations for a new job. However, “assisting” does not include the routine transmission of administrative and personnel files.

## **Exception**

In accordance with Section 8546 of ESSA, the prohibition above does not apply if the information giving rise to probable cause:

(1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and  
(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and  
(2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;  
(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or  
(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

All employees, contractors, or agents of the School who have questions regarding this policy or their responsibilities under this policy shall contact the Executive Director.

## **Proper Use of Public Funds and Assets Policy**

Adopted: February 8, 2023

Revised:

### **Purpose**

The purpose of this policy is to establish that Utah Virtual Academy (the “School”) will not misuse its public funds or assets to try to persuade students to enroll in the School or participate in any of the School’s programs.

### **Policy**

The School shall comply with Utah Administrative Code Rule R277-417 regarding providing incentives, disbursements, or equipment to its students or potential students.

The School may use public funds to provide its students with equipment as set forth in R277-417. However, if the School or a third-party provider of the School purchases equipment and provides the equipment to a student or a student’s parent or guardian, the equipment remains the property of the School. Upon receipt of such equipment, the student and the student’s parent or guardian shall take reasonable precautions to protect the equipment. If the equipment is damaged or lost while under the care of the student or the student’s parent or guardian, they may be financially responsible for the cost of repair or replacement.

The School shall use, manage, and dispose of equipment and other assets in accordance with applicable law and rule.

# Public Education Materials Development Policy

Adopted: April 12, 2023

## Purpose

The purpose of this policy is to establish rules related to the sharing of public education materials developed by employees with Utah Virtual Academy (the “School”) funds or on contract time. The School intends for this policy to comply with the applicable requirements in Utah Administrative Code Rule R277-120.

## Policy

### Definitions

For purposes of this policy, “public education materials” means courseware and materials developed with School funds or on contract time and includes, but is not limited to:

- (a) syllabi;
- (b) instructional materials;
- (c) modules;
- (d) textbooks, including teacher’s editions;
- (e) student guides;
- (f) supplemental materials;
- (g) formative and summative assessment supports;
- (h) laboratory activities;
- (i) simulations;
- (j) musical or dramatic compositions;
- (k) audio, video, or photographic material;
- (l) manuals;
- (m) codes; and
- (n) software.

For purposes of this policy, “sensitive materials” means the same as that term is defined in Utah Code § 53G-10-103.

### Public Education Materials Developed with School Funds or on Contract Time

All public education materials developed by School employees with School funds or on contract time shall, upon review and approval of the School’s Executive Director, be eligible to be shared with third parties under a Creative Commons attribution license (“CC-BY license”). Public education materials developed by School employees with School funds or on contract time that have not been reviewed and approved for sharing by the Executive Director shall not be shared with third parties for their personal use.

The CC-BY license covering public education materials developed by School employees with School funds or on contract time shall include the name of the School and the author(s). Third parties who use the public education materials shall (1) provide proper attribution to the School and author(s); (2) provide a link to the CC-BY license; and (3) indicate if any changes were made to the materials.

All public education materials developed by School employees with School funds or on contract time shall be the property of the School, subject to the CC-BY licensing described above. With the exception of other educators in Utah public schools, the School may charge third parties for using public education materials developed by School employees with School funds or on contract time. The School shall not charge other educators in Utah public schools for using public education materials developed by School employees with School funds or on contract time.

Consistent with R277-120, no School employee shall sell for personal gain public education materials developed with School funds, with funds from the Utah State Board of Education, or on contract time. School employees who violate this provision may be in violation of the Utah Public Officers' and Employees' Ethics Act.

School employees are prohibited from developing sensitive materials with School funds.

#### Public Education Materials Developed Without School Funds

School employees may develop public education materials using their own personal time and resources, and they may share such materials through a CC-BY license or otherwise share (or sell) the materials without permission from the School. However, Utah licensed educators (1) may only share public education materials that are consistent with the Utah Professional Educator Standards contained in Utah Administrative Code Rule R277-217; and (2) may not share materials that advocate illegal activities or materials that are inconsistent with the educator's legal and role model responsibilities.



# Purchasing and Disbursement Policy

Revised: January 9, 2025

## Purpose

The purpose of this policy is to enable the administration to make minor purchases that are necessary for the day-to-day operation of Utah Virtual Academy (the “School”), without approval of the Board of Directors (the “Board”).

## Policy

### Purchasing

The responsibility for approving purchases is delegated by the Board as set forth below.

- All purchases up to \$8,000 must be approved by the Executive Director;
- All purchases between \$8,000 and \$15,000 must be approved by the Executive Director and either the Board President *or* the Board Financial Coordinator;
- All purchases between \$15,000 and \$25,000 must be approved by the Executive Director and the Board President *and* the Board Financial Coordinator; and
- All purchases above \$25,000 must be approved by a majority vote of the Board.

Purchases that require the use of a credit card should follow the process established by this policy and utilize a purchase order when feasible.

### Disbursements

The responsibility for disbursement is delegated to Academica West.

Disbursements will be charged to the School’s General Operating Account. Academica West is responsible for disbursements charged to the General Operating Account.

Disbursements are handled in such a manner as to ensure that the proper funds and accounts are charged; that the disbursement is used only for authorized purposes; and that laws, rules, and regulations governing the disbursements and handling of public funds are followed.

### *General Operating Account*

The following controls are established to ensure that all payments charged to the General Operating Account are made on a timely basis and in accordance with all purchase orders and contracts:

- A purchase order shall be completed prior to disbursing funds for a purchase unless the disbursement is made in accordance with the terms of an ongoing contract that has been previously approved by the Board.
- A purchase order shall be authorized by the individual(s) listed above based on the purchase amount.
- Following proper authorization, purchase orders are reviewed by Academica West.
- Academica West must be given a valid invoice and properly completed purchase order prior to making payment.
- Disbursements are to be made primarily by check with counter signatures to provide additional control.

### Recording Transactions

Purchase orders and requisition requests must identify the fund, function, location, program, and object or revenue code to which the purchase is to be booked. Accounting staff will periodically review this information to ensure that expenditures are booked accurately.

### **Review**

The School will review this policy annually.

# **Sale of Food and Beverages Policy**

Adopted: May 10, 2023

## **Purpose**

The purpose of this policy is to comply with the applicable requirements of Utah Administrative Code R277-719.

## **Policy**

As an online school, Utah Virtual Academy (the “School”) does not provide a traditional school lunch program or meal service to its students, nor does it regularly sell food to students, parents/guardians, employees, or other stakeholders. In the event the School elects to sell food or beverages during the school day – whether at a School event or otherwise – all such food and beverages shall be commercially prepared and packaged, and any funds received by the School for such sales shall be handled in accordance with School policy.

# School LAND Trust Council Membership and Election Procedures

Adopted: October 14, 2020

Utah Virtual Academy (the “School”) has established a Charter LAND Trust Council (the “LAND Council”) to prepare a plan for the use of School LAND Trust Program money in accordance with state law.

1. **LAND Council Size & Composition.** The LAND Council shall consist of no fewer than five (5) and no more than thirteen (13) members. The LAND Council shall determine the size of its membership by a majority vote. The number of LAND Council members who are parents or grandparents of students enrolled at the School *shall* exceed all other members combined by at least two.
  - a. If the School’s governing board meets the size and composition requirements above, the governing board will serve as the LAND Council.
2. **Election Procedures.** If the School’s governing board does not serve as the LAND Council, membership shall consist of the required number of parents or grandparents of students, the School’s director, and may also include other School employees.
  - a. The School will notify parents/guardians about the LAND Council and provide information on becoming a member of the School’s LAND Council.
  - b. If the number of interested individuals exceeds the number of open positions, an election will take place. Families will be notified of the election process at least ten (10) days before voting commences, and each family will be given the opportunity to vote. Voting will be anonymous. The School’s director will oversee the elections.
  - c. If the number of interested individuals is less than or equal to the number of open positions, an election is not required.

Terms shall be for a period of one (1) year, and members are eligible for re-election.

# Selection and Purchase of Instructional Materials Policy

Amended: August 8, 2024

## Purpose

The purpose of this policy is to establish the parameters by which Utah Virtual Academy (the “School”) will select, approve, and purchase instructional materials. The purpose of this policy and accompanying procedures is to also set forth the School’s process for reviewing challenges to instructional materials.

## Definitions

“Instructional materials” are the resources used by educators to deliver curriculum or support student learning. These materials may be commercially available or School-created and include such materials as textbooks, reading materials, videos, digital materials, websites, online applications, and live presentations. “Instructional materials” do not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class, or another class with required instructional material that is not subject to selection by the School.

“Sensitive material” means an instructional material that constitutes objective sensitive material or subjective sensitive material. “Sensitive material” does not include the instructional material outlined in Utah Code § 53G-10-103(1)(h)(ii).

“Objective sensitive material” means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code § 76-10-1235, under the non-discretionary standards described in Utah Code § 76-10-1227(1)(a)(i), or (ii), or (iii).

“Subjective sensitive material” means an instructional material that constitutes pornographic or indecent material, as that term is defined in Utah Code § 76-10-1235, under the following factor-balancing standards:

- (a) material that is harmful to minors under Utah Code § 76-10-1201;
- (b) material that is pornographic under Utah Code § 76-10-1203; or
- (c) material that includes certain fondling or other erotic touching under Utah Code § 76-10-1227(a)(iv).

“School community parent” means a parent who has a student currently attending the School, or will have a student enrolled in the School within one year, where the challenged instructional material is being reviewed in accordance with this policy and Utah Code § 53G-10-103(4).

“School setting” means the School’s classrooms, library, and property. “School setting” also includes School-sponsored or required activities, including assemblies, guest lectures, live presentations, or other events.

“Stakeholder” for purposes of this policy means:

- (a) an employee of the School;
- (b) a student who is enrolled in the School;
- (c) a parent of a child who is enrolled in the School; or
- (d) a member of the School’s Board of Directors.

## **Policy**

The School shall comply with the requirements of Utah law and Utah State Board of Education (“USBE”) rule regarding the selection, approval, purchase, and review of instructional materials, including but not limited to Utah Administrative Code R277-468 and R277-469, Utah Code § 53G-10-103 and, when applicable, Utah Code § 53G-5-404.

The School’s purpose in managing the selection, approval, purchase, and review of instructional materials is to implement, enrich, and support the School’s educational program. It is also to prioritize protecting students from the harmful effects of illicit pornography over other considerations in evaluating instructional materials.

### Criteria for Instructional Materials

Instructional materials should contribute to the intellectual development and positive character of students. Instructional materials used by the School shall:

- (a) be consistent with the Utah Core standards;
- (b) be consistent with the principles of individual freedom as defined in Utah Code § 53G-10-206;
- (c) not constitute sensitive material as defined in Utah Code § 53G-10-103;
- (d) not be prohibited discriminatory practice as described in Utah Code § 53B-1-118; and
- (e) comply with all other applicable state laws and USBE rules.

### Selection and Approval of Instructional Materials by the Executive Director

The Board of Directors (the “Board”) delegates to the School Executive Director the authority and responsibility to select and approve instructional materials for the School, except under circumstances where the Board is specifically required by law or a different School policy to approve instructional materials.

The Executive Director shall select and approve instructional materials that meet the criteria set forth in this policy. When considering instructional materials, the Executive

Director may review the USBE's recommended instructional materials (RIMs), but the Executive Director is not required to select RIMs if there are other instructional materials available that meet the criteria set forth in this policy.

The Executive Director shall involve School community parents and instructional staff in the consideration of instructional materials. The Executive Director has discretion as to how to involve such parents and instructional staff in this process.

### Selection and Approval of Instructional Materials by the Board

If the Board is required by law or School policy to approve instructional materials for use in the classroom, the Board shall do the following (in order) prior to approving the instructional materials:

- (a) post the recommended instructional materials online to allow for public review or, for copyrighted material, make the instructional materials available at the School for public review; and
- (b) hold at least two Board meetings where the recommended instructional materials is on the agenda and allow an opportunity at those Board meetings for School educators and parents of students enrolled in the School to express views and opinions on the recommended instructional material.

The Board may approve the recommended instructional materials in an open and regular Board meeting after the requirements above have been satisfied. The vote to approve the recommended instructional materials may occur at the second of the two Board meetings described in subsection (b) above.

In accordance with Utah Code § 53G-5-404(13), the requirements in this section apply only if the Board is approving instructional materials. The requirements do not apply if the Board is not approving instructional materials and instead only the Executive Director is selecting and approving instructional materials (which Utah Code § 53G-5-404(13) refers to as "learning material"). In addition, the requirements in this section do not apply to educators' selection of supplemental materials or resources.

Any instructional materials approved by the Board shall meet the criteria set forth in this policy.

### Purchase of Instructional Materials

The School shall follow its Purchasing and Disbursement Policy in connection with the purchase of any instructional materials, regardless of whether the instructional materials are selected and approved by the Executive Director or by the Board. The School shall identify all costs associated with instructional materials prior to purchasing the instructional materials, including any implementation and professional development costs.

### Educator Selection of Additional Supplemental Materials or Resources

Despite the foregoing, educators at the School may select and use supplemental materials or resources in their classroom to augment instructional materials already selected and approved by the Executive Director or the Board so long as each of the following are satisfied:

- (a) the educator has reviewed the supplemental materials or resources in their entirety prior to using them in the classroom;
- (b) the supplemental materials or resources meet the criteria set forth in this policy; and
- (c) the supplemental materials or resources have not previously been prohibited by the Executive Director or the Board.

### Contract Requirements

If the School contracts with a third party to provide online or digital materials, the School shall include in the contract a requirement that the provider give notice to the School any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events. The School shall also comply with applicable requirements in R277-469 related to School contracts with publishers for instructional materials.

### Sensitive Material Review Procedures

Sensitive materials are prohibited in the School setting. In accordance with Utah law, USBE rule, and the School's administrative procedures, stakeholders may initiate a sensitive material review by the School if they feel an instructional material used by the School constitutes sensitive material.

The Executive Director shall establish administrative procedures that set forth how stakeholders may initiate a sensitive material review by the School and the review process the School will follow. The administrative procedures shall comply with applicable Utah law and USBE rule.



# **Sex Education Instruction Policy**

Adopted: April 3, 2019

Reviewed: June 10, 2020, July 14, 2021, June 8, 2022

## **Policy**

The purpose of this policy is to ensure that the sex education curriculum taught at Utah Virtual Academy (the "School") is compliant with state law. The School will comply with applicable state law regarding the presentation of sex education instruction or instructional programs.

"Sex education instruction or instructional programs" means any course, unit, class, activity or presentation that provides instruction or information to students about sexual abstinence, human sexuality, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, HIV/AIDS, sexually transmitted diseases, or refusal skills, as defined in Utah Code § 53G-10-402. While these topics are most likely discussed in courses such as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this policy applies to any course or class in which these topics are the focus of discussion.

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

# **Special Education Policies and Procedures Manual**

Revised: July 3, 2019

Revised: April 13, 2021

Available separately.

# Staff Code of Conduct Policy

Adopted: August 7, 2019

Revised:

## 1. PURPOSE AND PHILOSOPHY

The Board of Directors of Utah Virtual Academy (the "School") is committed to establishing and maintaining appropriate standards of conduct between staff members and students. These standards of conduct are also known as professional boundaries. Staff members shall maintain professional and appropriate demeanor and relationships with students, both during and outside of school hours, as well as both on and off campus, that foster an effective, non-disruptive and safe learning environment.

## 2. DEFINITIONS

- a) "Boundary violation" means crossing verbal, physical, emotional, or social lines that staff must maintain in order to ensure structure, security, and predictability in an educational environment.
  - i) A "boundary violation" may include the following, depending on the circumstances:
    - (1) isolated, one-on-one interactions with a student out of the line of sight of others;
    - (2) meeting with a student in rooms with covered or blocked windows;
    - (3) telling risqué jokes to, or in the presence of a student;
    - (4) employing favoritism to a student;
    - (5) giving gifts to individual students;
    - (6) staff member initiated frontal hugging or other uninvited touching;
    - (7) photographing an individual student for a non-educational purpose or use;
    - (8) engaging in inappropriate or unprofessional contact outside of educational program activities;
    - (9) exchanging personal email or phone numbers with a student for a non-educational purpose or use;
    - (10) interacting privately with a student through social media, computer, or handheld devices; and
    - (11) discussing an employee's personal life or personal issues with a student.
  - ii) "Boundary violation" does not include:
    - (1) offering praise, encouragement, or acknowledgment;
    - (2) offering rewards available to all who achieve;
    - (3) asking permission to touch for necessary purposes;
    - (4) giving a pat on the back or a shoulder;
    - (5) giving a side hug;

- (6) giving a handshake or high five;
  - (7) offering warmth and kindness;
  - (8) utilizing public social media alerts to groups of students and parents; or
  - (9) contact permitted by an IEP or 504 plan.
- b) “Grooming” means befriending and establishing an emotional connection with a child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.
- c) “Sexual conduct” includes any sexual contact or communication between a staff member and a student including but not limited to:
- i) “Sexual abuse” means the criminal conduct described in Utah Code Ann. §76-5-404.1(2) and includes, regardless of the gender of any participant:
    - (1) touching the anus, buttocks, pubic area, or genitalia of a student;
    - (2) touching the breast of a female student; or
    - (3) otherwise taking indecent liberties with a student;
    - (4) with the intent to:
      - (a) cause substantial emotional or bodily pain; or
      - (b) arouse or gratify the sexual desire of any individual.
  - ii) “Sexual battery” means the criminal conduct described in Utah Code Ann. §76-9-702.1 and includes intentionally touching, whether or not through clothing, the anus, buttocks, or any part of the genitals of a student, or the breast of a female student, and the actor’s conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the student touched; or
  - iii) A staff member and student sharing any sexually explicit or lewd communication, image, or photograph.
- d) “Staff member” means an employee, contractor, or volunteer with unsupervised access to students.
- e) “Student” means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.

### 3. POLICY

Staff members shall act in a way that acknowledges and reflects their inherent positions of authority and influence over students.

- a) Staff members shall recognize and maintain appropriate personal boundaries in teaching, supervising and interacting with students and shall avoid boundary violations including behavior that could reasonably be considered grooming or

lead to even an appearance of impropriety.

- b) A staff member may not subject a student to any form of abuse including but not limited to:
  - i) physical abuse;
  - ii) verbal abuse;
  - iii) sexual abuse; or
  - iv) mental abuse.
- c) A staff member shall not touch a student in a way that makes a reasonably objective student feel uncomfortable.
- d) A staff member shall not engage in any sexual conduct toward or sexual relations with a student including but not limited to:
  - i) viewing with a student, or allowing a student to view, pornography or any other sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format;
  - ii) sexual battery; or
  - iii) sexual assault.
- e) Staff member communications with students, whether verbal or electronic, shall be professional and avoid boundary violations.
- f) A staff member shall not provide gifts, special favors, or preferential treatment to a student or group of students.
- g) A staff member shall not discriminate against a student on the basis of sex, religion, national origin, gender identity, sexual orientation, or any other prohibited class.
- h) Staff member use of electronic devices and social media to communicate with students must comply with School policy, be professional, pertain to school activities or classes, and comply with the Family Educational Rights and Privacy Act.
- i) A staff member may not use or be under the influence of alcohol or illegal substances during work hours on school property or at school sponsored events while acting as a staff member. Additionally, a staff member may not use any form of tobacco or electronic cigarettes on school property or at school sponsored activities in an employment capacity.
- j) A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that, if proven, would violate this policy.

- k) The School recognizes that familial relationships between a staff member and a student may provide for exceptions to certain provisions of this policy.
- l) Conduct prohibited by this policy is considered a violation of this policy regardless of whether the student may have consented.

#### **4. REPORTING**

- a) A staff member who has reason to believe there has been a violation of this policy shall immediately report such conduct to an appropriate supervisor or school administrator. If a staff member has reason to believe that the Director has violated this policy, the staff member shall immediately report the conduct to the president of the Board of Directors.
- b) In addition to the obligation to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services under Utah Code Ann. §62A-4a-403 and the School's Child Abuse and Neglect Reporting Policy:
  - i) a staff member who has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately report the belief and all other relevant information to the Director; and
  - ii) if the staff member suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the Director shall immediately report that information to the Utah Professional Practices Advisory Commission;
  - iii) a person who makes a report under this subsection in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.
- c) A staff member who has knowledge of suspected incidents of bullying shall immediately notify the School's administrator in compliance with the School's Bullying and Hazing Policy.
- d) Failing to report suspected misconduct as required herein is a violation of this policy, the Utah Educator Standards, and in some instances, state law, and may result in disciplinary action.

#### **5. TRAINING**

- a) Within 10 days of beginning employment with the School a staff member shall receive training regarding this policy and shall acknowledge in writing having received training and understanding the policy.

- b) The School will annually provide training to staff regarding this policy.
- c) Staff members will annually sign a statement acknowledging that the staff member has received training and has read and understands this policy.
- d) Staff members employed by the School at the time of initial adoption of this policy shall receive training regarding this policy prior to the first day of the 2019-2020 school year on which students will be in attendance and shall acknowledge in writing having received training and understanding the policy.

## **6. VIOLATIONS**

A staff member found in violation of this policy will be subject to disciplinary action.

**UTAH VIRTUAL ACADEMY CODE OF CONDUCT  
STAFF MEMBER ACKNOWLEDGEMENT**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Date of Training: \_\_\_\_\_ Trained By:: \_\_\_\_\_

*I received training about the requirements of the Utah Virtual Academy Code of Conduct Policy. I have read and I understand the requirements of the policy and understand that I am responsible to recognize and maintain appropriate personal boundaries while interacting with students. I also understand that if I have reason to believe a staff member is violating the Code of Conduct, I will report my suspicions to the School's Director.*

\_\_\_\_\_  
*Signature of Staff Member*

\_\_\_\_\_  
*Date*



# Staff Grievance Policy

Adopted: June 5, 2019

Revised:

## Purpose

The Board of Directors (the “Board”) of Utah Virtual Academy (the “School”) values open communication between faculty, staff, administration, and the Board. The Board also believes that individuals can generally resolve their own disputes through open, respectful communication. If a situation arises that cannot be resolved between the parties involved, then this policy shall be used. The purpose of this policy is to ensure that faculty, staff, and administration (each of whom is sometimes referred to herein as a “staff member”) understand how to pursue the resolution of grievances, concerns, or disputes involving other staff members.

The Board wishes to emphasize that the School is an at-will employer and that this policy is not intended to modify the at-will employment relationship between the School and its employees.

## Policy

A staff member who has a complaint regarding another staff member shall first address the issue with the other staff member involved and work reasonably and in good faith to resolve the issue. If the staff member is not able to personally resolve the complaint with the other staff member, the staff member may then raise the issue with the School’s Principal. If the staff member is not able to resolve the complaint with the Principal, the staff member may then raise the issue with the Executive Director.

If a staff member’s complaint involves the Principal, the staff member shall first address the issue with the Principal and work reasonably and in good faith to resolve the issue. If the staff member is not able to personally resolve the complaint with the Principal, the staff member may then raise the issue with the Executive Director.

If a staff member’s complaint involves the Executive Director, the staff member shall first address the issue with the Executive Director and work reasonably and in good faith to resolve the issue.

In the event a staff member’s complaint is not able to be resolved with the Executive Director and the staff member wishes to bring the issue to the Board’s attention, the complaint may be directed to the Board in writing. Complaints shall specify the individual(s) involved, details of the incident(s) giving rise to the complaint, including dates and approximate times, details of attempts to resolve the issue, and the requested solution. The Board shall then consider the complaint and take whatever action it deems appropriate.

In accordance with the foregoing, a staff member shall not direct complaints to the Board unless and until he or she has worked in good faith to resolve the issues with the other staff member, with the School's Principal, and with the Executive Director, as applicable.

This policy does not confer upon any employee of the School any additional rights. Accordingly, the existence of this policy does not preclude the School from terminating any employee for any lawful reason even if the employee is pursuing the resolution of a grievance.

Additionally, this policy is not intended to discourage an employee from reporting to the appropriate individual(s) a legal violation committed by another employee and does not limit a School employee's right to appropriately report a legal violation committed by another employee.

# **Student Computer Policy**

Adopted: March 11, 2008 (2003 Computer Policy)

Revised: December 14, 2022

## **Purpose**

The purpose of this policy is to provide students of Utah Virtual Academy (the “School”) access to educational tools that will help facilitate their learning and academic success at the School.

## **Policy**

The School shall, under the direction of the Executive Director, establish a process by which students can request a computer from the School. Any student of the School who completes the process to request a computer shall be provided with a computer to use while the student is enrolled in the School. A student who receives a computer through this process does not own the computer but is given the opportunity to use the computer for purposes related to the student’s education at the School. No student may receive more than one computer through the process described in this policy.

# Student Conduct and Discipline Policy

Revised: August 8, 2024

## 1. PURPOSE, BELIEFS, AND PHILOSOPHY

### 1.1 Purpose

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

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

The School will promote and require:

- student responsibility for learning and behavior in all grades;
- student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the School community;
- parents 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
- Much aggressive behavior is a relationship problem, not a behavior problem
- Adults must model the behaviors they expect from the students
- We expect conflicts, but we expect conflicts to be resolved and relationships mended

#### **Expectations:**

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

- Students will develop self-discipline

### **1.3 Procedural Philosophy**

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

#### **Procedures:**

##### **When students are involved in conflicts with other students, they will:**

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

### **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 Principal 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 because they total more than ten (10) school days in a school year or because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "change of placement" requires compliance with the procedures outlined in Section 10 of this policy.

### **3.4 Disruptive Student Behavior**

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

### **3.5 Parent**

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

### **3.6 Qualifying Minor**

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

### **3.7 School Year**

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

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

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

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

### **4.1 Suspension**

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

[a] frequent or flagrant willful disobedience, defiance of proper authority, or disruptive

behavior, including, but not limited to: fighting; gang activity; noncompliance with School dress code; harassment, including sexual, racial, or religious harassment; the use of foul, profane, vulgar or abusive language; or other unreasonable and substantial disruption of a class, activity, or other function of the School;

[b] willful 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 Code Ann. § 32B-1-102;

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

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

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

[h] any criminal activity;

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

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

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

[a] a serious violation affecting another student or a staff member, or a serious violation occurring in a School building, in or on School property, or in conjunction with 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 use of violence or sexual misconduct, including but not limited to such violence or sexual misconduct related to hazing;

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

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

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

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

## **4.2 Expulsion**

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

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

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

[a] Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (“**CMT**”), which shall be comprised of the Executive Director, Principal, a Board member, and a teacher 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, conditioned on approval by the

Board and giving highest priority to providing a safe school environment for all students.

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

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

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

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

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

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

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

[c] misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at School only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

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

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

#### **4.4.3 Drug Testing**

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

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

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

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

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

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

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

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

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

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

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

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

Subject to the requirements for due process set forth in Section 9, below, the Principal may suspend a regular education student for longer than ten (10) 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 Principal or a teacher or counselor designated by the Principal will work with students who engage in disruptive student behavior according to the procedures identified in Section 7, below, in an attempt to help the student's behavior to improve and to prevent problems from escalating. Incidents of disruptive student behavior and attempts to resolve behavior issues will be

documented.

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

**6.2.1 Authorization.** The Principal is authorized to issue notices of disruptive student behavior to students who are qualifying minors.

**6.2.2 Criteria for Issuing Notice.** The Principal 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 Principal, Executive 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 Principal may issue a “habitual disruptive student behavior notice” to a qualifying minor who:

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

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

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

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

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

### **6.4.1 Definitions.**

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

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

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

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

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

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

- (i) to an evidence-based alternative intervention, including:
  - (1) a mobile crisis outreach team;
  - (2) youth services center, as defined in § 80-5-102;



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

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

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

(6) truancy mediation; or

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

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

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

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

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

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

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

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

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

[f] If a minor commits an offense on School grounds when School is in session or at a

School-sponsored activity and that information is reported to, or known by, a School employee, the School employee shall notify the Principal. After receiving such a notification, the Principal shall notify a law enforcement officer or agency if the Principal may refer the offense to a law enforcement officer or agency as explained above in this section. The Principal shall also notify the Executive Director and other School personnel if the Principal determines that other School personnel should be informed.

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

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

A continuum of intervention strategies shall be available to help students whose behavior in School repeatedly falls short of reasonable expectations. Prior to suspending a student for more than ten (10) 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(1)-(2).**

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 Principal 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 Principal to review the suspension.

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

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

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

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

**8.4** 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 Principal.

**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 Principal, 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 informal conference shall follow as soon as possible.

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

**9.1** If the Principal believes that a student should be suspended for more than ten (10) days or expelled, the Principal 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 Principal 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 Principal 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 Principal 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 Principal 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 Principal's decision to suspend or expel the student will be final, and the parent's right to oppose the decision will be waived.

### **9.3 Hearing Procedures**

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

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

### **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.

## **11. ADMINISTRATIVE STUDENT CONDUCT AND DISCIPLINE PLAN**

### **11.1 Elements of Plan**

The Executive 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 following elements:

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

**11.1.2** effective instructional practices for teaching student expectations, including:

[a] self-discipline;

[b] citizenship;

[c] civic skills; and

[d] social emotional skills;

**11.1.3** systematic methods for reinforcement of expected behaviors;

**11.1.4** uniform and equitable methods for correction of student behavior;

**11.1.5** consistent processes to collect student discipline data and incident or infraction data, including collection of the number of days of student suspensions and data collected from the School's climate survey as described in Rule R277-623;

**11.1.6** uniform and equitable methods for at least annual school level data-based evaluations of efficiency and effectiveness;

**11.1.7** an ongoing staff development program related to development of:

[a] student behavior expectations;

[b] effective instructional practices for teaching and reinforcing behavior expectations;

[c] effective intervention strategies; and

[d] effective strategies for evaluation of the efficiency and effectiveness of interventions;

**11.1.8** procedures for ongoing training of appropriate School personnel in:

[a] crisis management;

[b] emergency safety interventions; and

[c] School policies related to emergency safety interventions consistent with evidence-based practice;

**11.1.9** policies and procedures relating to the use and abuse of alcohol, controlled substances, electronic cigarette products, and other harmful trends by students;

**11.1.10** policies and procedures for responding to possession or use of electronic cigarette products by a student on School property as required by § 53G-8-203(3);

**11.1.11** policies and procedures, consistent with requirements of Rule R277-613 and the School's Bullying and Hazing Policy, related to:

[a] bullying;

[b] cyber-bullying;

[c] hazing;

[d] retaliation; and

[e] abusive conduct;

**11.1.12** policies and procedures for the use of emergency safety interventions for all students consistent with evidence-based practices including prohibition of:

[a] physical restraint, subject to the requirements of Section R277-609-5, except when the physical restraint is allowed as described in § 53G-8-302(2);

[b] prone, or face-down, physical restraint;

[c] supine, or face-up, physical restraint;

[d] physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication;

[e] mechanical restraint, except:

(i) protective or stabilizing restraints;

(ii) restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation; and

(iii) any device used by a law enforcement officer in carrying out law enforcement duties;

[f] chemical restraint, except as:

(i) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

(ii) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;

[g] seclusionary time out, subject to the requirements of Section R277-609-5, except when a student presents an immediate danger of serious physical harm to self or others; and

[h] for a student with a disability, emergency safety interventions written into a student's IEP, as a planned intervention, unless:

(i) school personnel, the family, and the IEP team agree less restrictive means have been attempted;

(ii) a FBA has been conducted; and

(iii) a positive behavior intervention, based on data analysis has been written into the plan and implemented;

**11.1.13** direction for dealing with bullying and disruptive students;

**11.1.14** direction to determine the range of behaviors and establish the continuum of administrative procedures that may be used by School personnel to address student behavior, including students who engage in disruptive student behaviors as described in § 53G-8-210;

**11.1.15** identification, by position, of an individual designated to issue notices of disruptive and bullying student behavior;

**11.1.16** identification of individuals who shall receive notices of disruptive and bullying student behavior;

**11.1.17** a requirement to provide for documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor before referral of students with an alleged class B misdemeanor or a nonperson class A misdemeanor to juvenile court;

**11.1.18** strategies to provide for necessary adult supervision;

**11.1.19** a requirement that policies be clearly written and consistently enforced;

**11.1.20** notice to employees that violation of Rule R277-609 may result in employee discipline or action;

**11.1.21** gang prevention and intervention provisions in accordance with § 53E-3-509(1);

**11.1.22** provisions that account for the School's unique needs or circumstances, including:

[a] the role of law enforcement; and

[b] emergency medical services; and

[c] a provision for publication of notice to parents and School employees of policies by reasonable means; and

[d] a plan for referral for a student with a qualifying office to alternative school-related interventions, including:

(i) a mobile crisis outreach team, as defined in Section 80-1-102;

(ii) a receiving center operated by the Division of Juvenile Justice Services in accordance with Section 80-5-102;

(iii) a youth court; or

(iv) a comparable restorative justice program; and

**11.1.23** procedures for responding to reports received through the SafeUT Crisis Line

established under § 53B-17-1201 *et seq.*

### **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. It shall also be consistent with the School's Plan for Harassment and Discrimination Free Learning, which shall be developed by the School in accordance with § 53G-8-802 and R277-609.

## **12. EXTRACURRICULAR ACTIVITIES**

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

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

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

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

## **14. INVESTIGATIONS**

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

### **14.1 General Investigation Guidelines for Principal**

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

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

**14.1.2** The Principal shall separate witnesses and offenders in an attempt to keep witnesses from collaborating their statements and have all parties provide separate

statements concerning the incident under investigation; written statements are preferable, if possible.

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

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

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

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

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

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

## **14.2 Coordination with Law Enforcement**

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

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

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

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

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

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

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

[b] The School official shall inform the student's parent 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 Principal shall document the contact or attempted contact with the student's parents or legal guardian. If the Principal 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 Principal shall be present and document generally what occurs during the interview.

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

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

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

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

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

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

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

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

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

(iv) Law enforcement officials (investigating School-related or student-related crimes) may not have access to student education records, aside from directory information, unless they have a subpoena or court order or permission from 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 Principal shall immediately notify the Executive Director of the removal of a student from School by law enforcement authorities.

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

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

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

[g] When a student has been taken into custody or arrested on School premises without prior notification to the Principal, the School staff present shall encourage the law enforcement officers to tell the Principal of the circumstances as quickly as possible. If the officers decline to tell the Principal, the School staff members present shall immediately notify the Principal and Executive 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 Principal has found to be unmanageable by School personnel and that has the potential of causing harm to students and other persons or to property. Such circumstances include situations where a parent or member of the public exhibits undesirable or illegal conduct on or near School grounds or at a School-sponsored activity and who refuse to abide by a Principal's directive to leave the premises.

### **15. INVESTIGATION OF CHILD ABUSE AND NEGLECT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Searches of a student's person, personal property (coats, hats, backpacks, bookbags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction.

Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or student property is concealing items including but not limited to weapons, drugs, controlled substances, electronic cigarette products, alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced

items.

## **16.2 Searches of Personal Belongings**

**16.2.1** Personal belongings may be searched by School officials whenever School officials have a reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a School official. All searches of student property by School officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive.

**16.2.2** All contraband discovered in a search by School officials shall be immediately confiscated and turned over to law enforcement officers if School officials have reason to believe the contraband is related to the commission of a criminal act.

## **16.3 Searches of Person**

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

[a] The search shall be conducted in a private area of the School by a School official of the same sex 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., Principal, teacher, police officer);

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

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

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

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

## **16.4 Documentation of Searches**

School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or

as soon as possible thereafter, and shall include the following:

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

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

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

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

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

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

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

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

**17.1.1** If the President of the Board or the Executive Director is notified by the juvenile court that a current or former student of the School has been adjudicated for a serious offense or sexual crime or is notified by a law enforcement agency that a current or former student of the School has been taken into custody or detention for a serious offense or sexual crime, , the President of the Board or Executive Director shall notify the student’s Principal within three (3) days of receiving notification.

“Serious offense” is defined in Utah Code Ann. § 80-6-103 and means the following: a violent felony as defined in § 76-3-203.5; an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property stolen is a firearm; or an offense in violation of Title 76, Chapter 10, Part 5 Weapons.

“Sexual crime” or “sexual misconduct” means any conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses; Title 76 Chapter 5b, Sexual Exploitation Act; § 76-7-102, incest; § 76-9-702, lewdness; and § 76-9-702.1, sexual battery.

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

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

## **17.2 Multidisciplinary Team and Reintegration Plan**

**17.2.1** In addition to complying with the requirements above, the School shall, within five (5) days after receiving a notification described in Section 17.1.1 about a student, or within a reasonable time after otherwise being notified of a student committing a serious offense or sexual crime, develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian. The multidisciplinary team should include the School, the juvenile court, the Division of Juvenile Justice and Youth Services, the School's Safety and Security Specialist, the School's Safety and Security Director, the School's Resource Officer (if any), and any other relevant party that should be involved in a reintegration plan.

**17.2.2** The reintegration plan shall address:

[a] a behavioral intervention for the student;

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

[c] an academic intervention for the student; and

[d] if the serious offense or sexual crime was directed at a School employee or another student within the School, notification of the reintegration plan to that School employee or student and the student's parent.

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

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

**17.2.5** The School shall not reintegrate a student when:

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

[b] a student or staff member of the School is a victim of the serious offense or sexual crime committed by the student being reintegrated.

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

**17.2.6** A reintegration plan under this section is classified as a protected record under Utah Code Ann. § 63G-2-305. All other records of disclosures under this section are governed by the Government Records Access and Management Act and the Family Educational Rights and Privacy Act (“FERPA”).

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

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

### **17.4 Student Discipline Records/Education Records**

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

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

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

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

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

## **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 consistent with applicable fire and public safety requirements; 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 before the student leaves the School.

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

**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 no later than June 30, 2018. Beginning in the 2018-19 school year, 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 Principal 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 PLAN 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** A summary of this policy and the Student Conduct and Discipline Plan shall be posted in the School, and the policy and plan will be posted on the School's website. The policy or a summary of the policy and the plan or summary of the plan shall also be published in student registration materials, student and employee handbooks, and other appropriate school publications as directed by the Board.

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

# **Student Dress Code Policy**

Adopted: December 13, 2018

Revised:

## **Purpose**

Utah Virtual Academy (the “School”) will provide a safe, wholesome, healthy educational environment where students can make real progress and feel the joy of learning and achievement, both measured and intuitive. The School’s Board of Directors (the “Board”) recognizes that dress and grooming seriously affect the behavior of students attending the School, both in the virtual classroom setting and at face-to-face school events. Because experience has demonstrated that the learning atmosphere is improved when students both look and act appropriately, the Board hereby authorizes establishment of a student dress code that contains standards for dress and grooming.

## **Policy**

The Board delegates to the School’s administration responsibility to establish a mandatory student dress code. The dress code shall be supportive of the purposes set forth above and not be overly complicated, restrictive, or burdensome to families. The administration may periodically modify the dress code as it deems necessary.

All students of the School shall be required to comply with the dress code. The administration is responsible for enforcing compliance with the dress code, determining whether dress code violations have occurred, and handling any student discipline related to dress code violations. School staff shall also share responsibility in seeing that the dress code is implemented and enforced in classrooms, at School activities, and on other occasions as appropriate.

# **Student Education Plan Policy**

Adopted: March 6, 2019

Revised:

## **Policy**

Utah Virtual Academy (the “School”) understands the importance of personal education planning for each of its students. Personal education planning is a cooperative effort involving students, parents/guardians, and educators. It focuses on the individual needs of the student and is essential at the elementary and secondary school level.

The School shall implement an individual learning plan (also known as an SEP) for its K-6 students and a plan for college and career readiness (also known as an SEOP) for its students in grades 7-12 in accordance with Utah law.

The Executive Director shall establish administrative procedures to help the School implement individual learning plans and plans for college and career readiness consistent with Utah Code § 53E-2-304(2)(b) and, if the School receives Comprehensive Counseling and Guidance Program funds, Utah Administrative Code Rule R277-462.

# Student Transportation Policy

Adopted: February 8, 2023

Revised:

## Purpose

The purpose of this policy is to address how student transportation is handled at Utah Virtual Academy (the “School”). It is also to establish rules and requirements related to student transportation to help ensure student safety.

The School intends for this policy to satisfy the policy requirements of Utah Administrative Code Rule R277-601.

## Policy

### No School Buses

The state does not provide the School (or any other Utah charter school) with any state transportation funding. As a result of this, and as a result of the School being an online school, the School does not own or operate school buses and does not provide transportation for students to or from School, except where required by law.

### Student Transportation for School Activities

The School may provide transportation for students in charter buses or through public transportation in connection with field trips, extracurricular activities, or other School-sponsored activities. Any charter bus company selected by the School to transport students shall meet or exceed industry safety requirements and provide reliable and professional transportation services.

The School shall inform parents and guardians when it intends to provide student transportation in connection with School activities and shall give parents the opportunity to consent to such transportation. A student’s parent or guardian must provide consent in order for their student to be transported to and/or from School activities as described in this section.

Charter bus operators and, to the extent practicable, other vehicle drivers approved by the School to transport students to and/or from School activities, shall adhere to the applicable standards in R277-601-3. The School shall enforce the applicable standards as required by the rule.

# Supervision of Students at School-Sponsored Activities Policy

Adopted: March 8, 2023

Revised:

## Purpose

The purpose of this policy is to outline the supervisory responsibilities of Utah Virtual Academy (the "School") coaches and other designated School leaders (e.g., advisors, assistants, activity leaders, etc.) in connection with School-sponsored activities. Another purpose is to provide standards of behavior and conduct that such School coaches and designated leaders must follow.

## Policy

The School, School coaches, and other designated School leaders shall comply with Utah Administrative Code Rule R277-605.

### Supervision of Students

School coaches and other designated School leaders shall diligently supervise the students under their care or control at all times while on School-sponsored activities, including but not limited to supervising such students:

- (a) on the field or court, or at other competition or performance or activity sites;
- (b) in locker rooms (as appropriate), seating areas, eating establishments, and lodging facilities; and
- (c) while traveling.

School coaches and other designated School leaders are responsible for a student who is under their care or control for as long as a student remains on School grounds following a School-sponsored activity, subject to the following:

- (a) After a School-sponsored activity on School grounds is over, parents/guardians are responsible to pick up their child promptly after the activity or make arrangements for someone else to pick up their child promptly after the activity; and
- (b) If a child has not been picked up within 15 minutes of the School-sponsored activity ending, School coaches or other designated School leaders will contact the student's parent/guardian by telephone. If the student's parent/guardian cannot be reached by telephone, School coaches or other designated School leaders will contact, by telephone, the emergency contact(s), if any, designated by the student's

parents/guardians. If neither the parent/guardian nor an emergency contact can be reached or are able to pick up the student in a timely manner, School coaches or other designated School leaders may contact the police or the Division of Child and Family Services (DCFS) to report the situation.

If parents/guardians experience an emergency that causes them to run late or to be unable to have their child picked up within 15 minutes of a School-sponsored activity ending, they should notify the School coach or other designated School leader as soon as possible.

### Behavior and Conduct

School coaches and other designated School leaders shall be exemplary role models to students and shall not use alcoholic beverages, tobacco, controlled substances, or participate in promiscuous sexual relationships while on School-sponsored activities. School coaches and other designated School leaders shall act in a manner consistent with Utah Code § 53G-8-209 and shall not:

- (a) use foul, abusive, or profane language while engaged in School-related activities; or
- (b) permit hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order Utah law.

School coaches and other designated School leaders shall abide by the rules pertaining to athletic and activity clinics set forth in R277-605-5. School coaches shall satisfy all of the training requirements listed in R277-605-6, and the School shall maintain verification of the coaches' compliance with the training requirements.



# Time and Effort Documentation Policy

Revised: January 9, 2025

## Purpose

Because Utah Virtual Academy (the “School”) receives restricted funds, the School is obligated to properly spend and account for the expenditures of such funds. The School adopts this policy in order to ensure that charges to federal awards or other state restricted programs, as required, for salaries and wages are based on records that accurately reflect the work performed.

## Definitions

“Accurate” means that salaries and wages are based on records that provide an actual representation of the work performed.

“Allocable” means, in accordance with 2 CFR § 200.405, a cost is allocable to a Federal award or other cost objective if the cost is assignable to that Federal award or other cost objective in accordance with the relative benefits received.

“Allowable” means that a cost meets the criteria (factors affecting allowability of costs) outlined in 2 CFR § 200.403, unless otherwise authorized by statute.

“Internal Control” means, as described in 2 CFR § 200.1, processes designed and implemented by a non-federal entity to provide reasonable assurance regarding the achievement of objectives in the following categories:

- a. Effectiveness and efficiency of operations;
- b. Reliability of reporting for internal and external use; and
- c. Compliance with applicable laws and regulations.

“Cost Objective” means, as described in 2 CFR § 200.1, a program, function, activity, award, organizational subdivision, contract, or work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, and capital projects (*i.e.*, implementation of program accounting).

## Policy

### Time and Effort Standards

The School shall recognize and follow the *Uniform Administrative Requirements* pertaining to the *Standards for Documentation of Personnel Expenses* as contained in 2 CFR § 200.430(g). Accordingly, all School employees who are paid in full or in part with

federal funds shall keep specific documents to demonstrate the amount of time they spent working on the federal program (2 CFR § 200.430(g)(1)). In addition, all School employees who are paid with state and local funds, but whose salaries and wages are used for cost sharing or matching in a federal program, shall also keep time and effort documentation (2 CFR § 200.430(g)(4)). Moreover, all School employees who are paid in full or in part with state restricted funds shall keep specific documents to demonstrate the amount of time they spent working on the state restricted program.

Charges to restricted funds for salaries and wages must be based on records that accurately reflect the work performed. In accordance with 2 CFR § 200.430(g)(1), these records must:

1. Be supported by a system of **internal control** that provides reasonable assurance that charges are **accurate, allowable, and allocable**.
2. Be incorporated into the School's official records.
3. Reasonably reflect the total activity for which the employee is compensated by the School, not exceeding 100% of the compensated activities.
4. Encompass federally-assisted and all other activities compensated by the School on an integrated basis.
5. Comply with the established accounting policies and practices of the School.
6. Support the distribution of the employee's salary or wages among specific activities or **cost objectives**.

### Semi-Annual Certifications and Personnel Activity Reports

To meet the above requirements, all School employees who are required to keep time and effort documentation must submit either a Semi-Annual Certification or a Personnel Activity Report ("PAR") as described below. Whether an employee must submit a Semi-Annual Certification or a PAR depends on the number of cost objectives that an employee works on.

The School's administration shall ensure that employees who work solely on a single cost objective complete a Semi-Annual Certification consistent with 2 C.F.R. § 200.430 and applicable state law and rule.

The School's administration shall ensure that employees who work on multiple cost objectives document their time and effort on a PAR consistent with 2 C.F.R. § 200.430 and applicable state law and rule.

### **Procedures**

The School's administration shall adopt additional administrative procedures to ensure compliance with this policy and applicable law.

# Travel Policy

Amended: August 8, 2024

## Purpose

The purpose of this policy is to establish procedures for the authorization of, and payment for, travel by employees or Board members of Utah Virtual Academy (the "School") who are required to travel to fulfill their official duties or to attend conventions, conferences, seminars, or other professional or educational events or meetings benefiting the School ("School-related business").

## Policy

1. This policy applies to all approved travel by employees and Board members on School-related business. For purposes of this policy, School-related business does not include an employee's regular daily travel to and from work or a Board member's travel to and from a regular Board meeting.
2. Travel for School-related business by employees must be approved in advance by the Executive Director in order for the School to pay for the travel expenses as set forth in this policy. Travel for School-related business by the Executive Director or a Board member must be communicated to the Board in advance of the travel, where possible. Payment of all travel-related expenses are subject to, and must be approved in accordance with, the School's Purchasing and Disbursement Policy.
3. Employees must submit their travel requests to the Executive Director, and the Executive Director and Board members must communicate their travel requests to the Board, at least three weeks prior to departure date and prior to making or paying for any travel arrangements, where possible. Such travel requests submitted to the Executive Director and communications to the Board must explain the purpose of the travel and, where applicable, include the nature of the School-related business, proposed lodging accommodations, and approximate airfare or mileage, as applicable.
4. Per diem for meals and incidental expenses shall be paid for all approved travel events that are more than 90 miles from the traveler's residence. The School shall pay per diem for meals and incidental expenses in accordance with the federal per diem meals and incidental rates established by the U.S. General Services Administration ("GSA"). Where possible, the per diem shall be paid to the traveler by check no fewer than 48 hours prior to departure date.
5. Reasonable and necessary flight reservations for approved travel events shall be personally made and paid for by the traveler and then reimbursed by the School based on receipts submitted by the traveler for such expenses. The traveler must

provide receipts for all flight reservations for which reimbursement is sought. Absent extraordinary circumstances, first class flight reservations are not considered reasonable and necessary under this policy.

6. Reasonable and necessary ground transfer expenses (e.g., taxi, public transportation, ride share, parking, etc.) for approved travel events shall be personally paid for by the traveler and then reimbursed by the School based on receipts submitted by the traveler for such expenses. The traveler must provide receipts for all ground transfer expenses for which reimbursement is sought.
7. Reasonable and necessary mileage for approved travel events shall be reimbursed by the School at the standard IRS mileage reimbursement rates in effect at the time.
8. Reasonable and necessary lodging accommodations for approved travel events that are more than 90 miles from the travel's residence shall:
  - a. Be personally made and paid for by the traveler and then reimbursed by the School based on receipts or confirmations submitted by the traveler for such accommodations and the daily lodging rates established by the GSA. Reimbursements by the School for lodging shall not exceed the lodging rates established by the GSA as well as any associated required taxes and fees for the lodging. Travelers who are reimbursed for lodging accommodations based on lodging confirmations are still required to provide receipts for such accommodations after their stay; or
  - b. Be made and paid for by the School.
9. Lodging accommodations shall be approved for the number of days an approved travel event is in session, less one. However, this is subject to the following exceptions:
  - a. One additional night of hotel accommodations shall be approved when an additional travel day is required prior to an approved travel event;
  - b. A second additional night of hotel accommodations shall be approved when an additional travel day is required after the approved approved travel event concludes; and
  - c. Other additional nights of hotel accommodations shall be allowed only when approved in advance of the approved travel event by the Executive Director or the Board President, as applicable.
10. School employees and Board members shall submit an expense report related to an approved travel event to the School within sixty (60) days from the end of the trip.
11. School employees who have been issued a School credit card may use their School credit card to pay for approved flight reservations, ground transfer expenses, and lodging accommodations in accordance with this policy only after receiving approval from the Executive Director. Such School employees may also use their School credit card to pay for other reasonable travel-related expenses only after receiving approval from the Executive Director. School credit cards may not be used to pay

per diem for meals and incidental expenses, as such per diem will be paid to travelers by check in accordance with this policy.

12. The School shall not fund travel expenses that are unrelated to the approved travel purpose. Similarly, the School shall not reimburse travelers for travel expenses that are unrelated to the approved travel purpose or which are determined by the School to be excessive.
13. The Executive Director may authorize individual exceptions to this policy if the Executive Director, in his or her sole discretion, feels an exception is necessary under the circumstances.

# Tuition Reimbursement Policy

Adopted: December 9, 2020

Revised:

## Purpose

Utah Virtual Academy (the “School”) believes that the School and its students benefit when employees develop and improve their knowledge and skills. Obtaining additional education can increase teaching abilities and professional competence. The School therefore desires to identify the conditions upon which the School is willing to reimburse School employees for tuition paid in order to obtain education that will improve their ability to serve the School and its students.

## Policy

The School may reimburse tuition for School employees if the following conditions are satisfied:

- (1) The employee has been employed by the School for at least one (1) year.
- (2) The tuition is for courses that are either (a) job related, meaning the course will result in increased knowledge and skill, is aimed primarily at improving the employee’s performance in his/her present job, or will enable the employee to remain current with changes or developments in their field; or (b) an elective that is part of a degree program that is job related.
- (3) The courses are taken at (a) a fully-accredited Utah college or university; or (b) a school providing training or instruction that is approved by the State Board of Education.
- (4) Courses may be for credit or not.
- (5) Except in unusual circumstances and as approved by the Executive Director, courses must be taken outside of regularly scheduled work hours.
- (6) Reimbursement will only be provided when the employee obtains approval from the Executive Director and enters into a written agreement in the form attached to this policy. The employee shall obtain approval for reimbursement from the Executive Director at least thirty (30) days prior to the start date of the employee’s course(s). Reimbursement will be at the sole discretion of the Executive Director. Priority will be given for reimbursement for courses and degrees pursued at the Executive Director’s request.

- (7) The amount of tuition reimbursed is at the sole discretion of the Executive Director but shall not exceed the lesser of 75% of an employee's tuition or a maximum of \$5,000 per employee, per degree.
- (8) Total tuition reimbursement payments from the annual School budget shall not exceed \$20,000 per year. The Executive Director will work with employees to plan the timing of reimbursement payments in order to comply with this annual cap.
- (9) Reimbursement payments will not be made until the employee:
- (a) Provides evidence of completion of the course(s) with a passing grade;
  - (b) Provides an itemized receipt of the payment of tuition; and
  - (c) Passes any applicable Praxis exam.
- (10) In consideration of the tuition reimbursement contemplated under this policy, the employee must agree to work at the School for a minimum term of three (3) years from the date of the last tuition reimbursement payment to the employee. The terms of the employee's employment with the School will be subject to any employment agreement between the employee and the School. Failure to complete three (3) years of employment from the date of the last tuition reimbursement payment to the employee for any reason (including, but not limited to, breach of contract under the employment agreement by the employee, or the employee's refusal, unwillingness, or inability to execute the employment agreement if offered, or to satisfactorily perform as required) will result in the employee being required to make tuition repayment to the School. This repayment of tuition by the employee to the School will be on a pro-rata basis. For example, but not by way of limitation: If the employee does not complete one (1) year of service, all tuition monies received by the employee will be refunded to the School. If the employee completes one (1) year but less than two (2) years, two-thirds (2/3) of all tuition monies received by the employee will be refunded to the School. If the employee completes two (2) years but less than three (3) years, one-third (1/3) of all tuition monies received by the employee will be refunded to the School. Upon completion of three (3) years of service, no refund shall be required.
- (11) Requests for exceptions to the maximum amounts described in paragraphs 7 and 8 may be brought to the Board for a vote. If the Board votes to make an exception for an employee to the maximum amount described in paragraph 7, the written agreement attached to this policy shall be modified accordingly for the employee.

## TUITION REIMBURSEMENT AGREEMENT

This **Tuition Reimbursement Agreement** (the “**Agreement**”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, between **Utah Virtual Academy**, a Utah nonprofit corporation (the “**School**”), and \_\_\_\_\_, an individual (the “**Employee**”).

### RECITALS

- A. The School operates a charter school in Utah.
- B. The Employee is currently employed with the School.
- C. The Employee desires the School’s financial assistance to obtain additional education in order to improve the Employee’s skill and professional competence for the benefit of the School (the “**Coursework**”).
- D. The School desires to reimburse part of the Employee’s tuition and, in connection therewith, to provide an incentive for the Employee to continue to work at the School thereafter.
- E. The School and the Employee desire to enter into this Agreement in order to carry out that intent.

### AGREEMENT

Now, therefore, in consideration of the foregoing and the mutual covenants and promises of the parties hereto, the School and the Employee agree as follows:

- 1. The Employee will satisfactorily complete the requirements associated with the Coursework.
- 2. Each course for which the Employee will seek reimbursement must be job related or a required course for a degree that is job related.
- 3. The School will reimburse the Employee’s tuition for the Coursework in the amount of either (a) the lesser of 75% of the tuition for the Coursework or \$5,000 OR (b) a lesser amount as follows:  
\_\_\_\_\_  
\_\_\_\_\_
- 4. The School will provide reimbursement in accordance with the School’s Tuition Reimbursement Policy when the Employee:



- (a) Provides evidence of completion of the course with a passing grade;
- (b) Provides an itemized receipt of the payment of tuition; and
- (c) Passes the \_\_\_\_\_ Praxis exam. [include this if applicable]

5. In consideration of the tuition reimbursement contemplated under this Agreement, Employee agrees to work at the School for a minimum term of three (3) years from the date of the last tuition reimbursement payment to the employee under this Agreement. Terms of employment are subject to the annually executed Employment Agreement between the Employee and the School. Failure to complete three (3) years of employment from the date of the last tuition reimbursement payment to the Employee for any reason (including, but not limited to, breach of contract under the Employment Agreement by Employee, or Employee's refusal, unwillingness, or inability to execute the Employment Agreement if offered, or to satisfactorily perform as required) will result in Employee being required to make tuition repayment to the School as follows:

- (a) Repayment of tuition by the Employee to the School will be on a pro-rata basis. For example, but not by way of limitation: If Employee does not complete one (1) year of service, all tuition monies received by Employee will be refunded to the School. If Employee completes one (1) year but less than two (2) years, two-thirds (2/3) of all tuition monies received by Employee will be refunded to the School. If Employee completes two (2) years but less than three (3) years, one-third (1/3) of all tuition monies received by Employee will be refunded to the School. Upon completion of three (3) years of service, no refund shall be required.
- (b) Employee agrees that any amounts owed to the School under this provision may be deducted from Employee's final paycheck, except to the extent prohibited by federal or state minimum wage laws.
- (c) Any amount owed in excess of what is deducted from Employee's final paycheck must be paid to the School within twelve (12) months of the date Employee's employment with the School is terminated (voluntarily or involuntarily), at no interest.
- (d) If repayment within twelve (12) months would cause an undue hardship on Employee, then Employee may request an extended repayment plan from the Executive Director, and the Executive Director will negotiate such a repayment plan in good faith. Any extended repayment plan will be documented by a promissory note and will bear interest at a rate of seven percent (7%) per year. In the event the Executive Director and Employee are unable to agree on an extended repayment plan, any amount owed by the Employee in excess of what is deducted from Employee's final paycheck must be paid to the School as set forth in subsection (c) above.

6. The Employee acknowledges that this Agreement does not guarantee the Employee continued employment with the School.

The Parties have executed this Agreement as of the date first set forth above.

**The School:**

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Executive Director

**The Employee:**

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**\*\*PLEASE SEND ORIGINAL SIGNED AGREEMENT TO ACADEMICA WEST TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE AND FOR PAYMENT\*\***