



ADVANTAGE ARTS  
ACADEMY

# **Advantage Arts Academy Board Policy Manual**

**Adopted: October 2, 2017  
Last Revised: March 2, 2020**

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# Administration of Medication Policy

**Adopted: October 2, 2017**

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

## Purpose

The purpose of this policy is to authorize personnel of Advantage Arts Academy (the “School”) to administer medication to students consistent with applicable law.

The School’s Board of Directors (the “Board”) acknowledges that medication should typically be administered by a student or the student’s parent or guardian. However, the Board recognizes that situations may arise where the health of a student may require administration of medication during the course of a school day by School personnel.

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

The School will comply with applicable state and federal laws, including but not limited to Utah Code Ann. § 53A-11-601, regarding the administration of medication to students by School personnel. Accordingly, pursuant to this policy, authorized School personnel may provide assistance in the administration of medication to students of the School during periods when the student is under the School’s control.

Glucagon is an emergency diabetic medication used to raise blood sugar. The School will comply with the requirements of Utah Code Ann. § 53A-11-604 in the event the School receives a glucagon authorization request from the parent or guardian of a student.

The School will comply with the requirements of Utah Code Ann. §§ 26-41-101, 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 comply with the requirements of Utah Code Ann. § 53A-11-603.5 regarding the emergency administration of seizure rescue medications, in the event any School personnel seeks to become a “qualified adult” under that provision.

In accordance with Utah Code Ann. § 26-55-104, 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.

The Principal will establish administrative procedures that comply with applicable laws in order to set guidelines for when and how this will take place.

The Principal 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 School’s Principal 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 in compliance with applicable law. The Principal 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 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.

#### Medical Recommendations by School Personnel

The Principal will ensure that appropriate School personnel receive training on the provisions of Utah Code Ann. § 53A-11-605 regarding medical recommendations by School employees.

# **Arrest Reporting Policy**

**Adopted: October 2, 2017**

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

## **Policy**

The Board of Directors of Advantage Arts 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 Principal of the School will therefore establish administrative procedures that comply with the requirements of Utah Administrative Code R277-516-4.

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

# Articles of Incorporation

**Adopted: September 26, 2016**

**Revised: September 5, 2017**

**Revised: May 9, 2018**

**ARTICLES OF AMENDMENT AND RESTATEMENT  
OF THE ARTICLES OF INCORPORATION  
OF  
ADVANTAGE ARTS ACADEMY  
A UTAH NONPROFIT CORPORATION**

Advantage Arts Academy, a Utah nonprofit corporation duly incorporated on June 22, 2016, 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 Advantage Arts 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 the 9th day of May, 2018, 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 Articles of Amendment and Restatement are hereby executed, effective as of the 9th day of May 2018.

**AMENDED & RESTATED ARTICLES OF INCORPORATION  
OF  
ADVANTAGE ARTS 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 Articles of Incorporation for said corporation:

**ARTICLE I  
NAME**

The name of this nonprofit corporation shall be Advantage Arts Academy.

**ARTICLE II  
DURATION**

This 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 engage in any and all activities and pursuits, and to support or assist such other organizations, as may be reasonably related to the foregoing and following purposes.
- (3) To operate exclusively for charitable and educational purposes and 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.
- (4) 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."
- (5) 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**

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



## **ARTICLE V POWERS**

**A. Powers in General.** Subject to the pursuits and objectives declared in Article III and any other limitations herein expressed, this 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:

(1) To receive, acquire, hold, manage, administer, and expend property and funds for purposes authorized by Section 501(c)(3) of the Code;

(2) 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;

(3) 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;

(4) 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;

(5) To appoint and pay officers and agents to conduct and administer the affairs of the corporation;

(6) 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;

(7) 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;

(8) 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;

(9) 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.

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

**C. 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 this 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. This 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 § 53A-1a-510.5 and -517.

**ARTICLE VI  
PRINCIPLE OFFICE/PLACE OF BUSINESS**

The principal place of business in Utah and the mailing address of the Corporation shall be Farmington, Utah. The business of the Corporation may be conducted in all states of the United States, and in all territories thereof.

**ARTICLE VII  
REGISTERED OFFICE/AGENT**

The name of the natural person who is to serve as the Registered Agent of the Corporation is Treion Muller.

**ARTICLE VIII  
DIRECTORS**

The number of directors of the corporation shall be no less than five (5) and no more than seven (7), as fixed from time to time pursuant to the provisions of the corporation's Bylaws. The number of directors constituting the present Board of Directors is five (5), and the names and addresses of the persons who are to serve as directors until their successors are selected and qualified are:

Treion Muller  
Kim Dohrer  
Christopher Finley  
Jodi Hart Wilson  
Doug James

**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 XII  
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.

## **Attendance Policy**

**Adopted: October 2, 2017**

**Revised: February 4, 2019**

### **Policy**

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

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

The School intends for this policy to be consistent with the provisions of Utah’s compulsory attendance laws, Utah Code Ann. §§ 53G-6-201 through 53G-6-208. The School will seek to accurately monitor and record attendance information, annually review attendance data, and consider revisions to the attendance policy and procedures to encourage student attendance.

The Principal will establish attendance procedures consistent with this policy and applicable law and will ensure that the policy and procedures are distributed to parents.

# Background Check Policy

Adopted: October 2, 2017

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

## Policy

The purpose of this policy is to protect the safety, health and security of Advantage Arts Academy (the "School") students, employees, and property.

The School will comply with the provisions of Utah Code § 53A-15-1503 and Utah Administrative Code R277-516 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 Principal will establish administrative procedures consistent with this policy and applicable law.

# Board Rules of Order and Procedure

Adopted: November 4, 2019

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

Pursuant to Utah Code § 53G-5-413, Advantage Arts Academy (the “School”) hereby adopts the following rules of order and procedure to maintain order and govern conduct at 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) **Presenting Business.** As a general rule of order, a member of the Board should present an item of business by motion prior to voting. If the motion is seconded by another member of the board, the motion should then be considered and voted upon by the Board members present at the meeting.
- (5) **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.
- (6) **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.

**(7) 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.

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

# **Building Use Policy**

**Adopted: October 2, 2017**

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

## **Purpose**

The purpose of this policy is to establish procedures for the use of Advantage Arts Academy's (the "School") building and facilities by outside individuals and groups.

## **Policy**

In accordance with state law, the School's facilities are available for use as a "civic center" when such use does not interfere with a School function or purpose, does not violate any applicable law or regulation, and does not otherwise impose an unreasonable burden on the School or expose the School or participants to unreasonable risk.

Any permission to use School facilities is granted pursuant to Utah Code 53A-3-413 and -414 and is considered a permit for governmental immunity purposes under Utah Code 63G-7-201(4)(c). The School therefore has full governmental immunity under the Utah Governmental Immunity Act for claims arising in connection with such use of the facilities.

## **Procedures**

Fees for the use of facilities shall be charged as outlined in this Policy and will be collected prior to use.

A Building Use Agreement must be signed by the user prior to the date of use.

Usage time shall initially be computed from the time of requested opening to anticipated closing of the doors. Closing time shall be the time when all persons associated with the use have left the building, and the fee will be adjusted for additional time used. Persons lingering in the building are the user's responsibility.

Equipment, keys, and property shall not be loaned or removed from the building.

Facilities such as computer lab, media center, or kitchen shall not be used unless approved by the Principal and school personnel are present during the entire time of the function.



Buildings may not be used without adequate School supervision as determined by the Principal. The assigned supervisor is responsible for oversight of the facilities while in use.

In addition to the building supervision provided by the School, all use groups must provide supervision to maintain order and prevent damage to or loss of School property.

Any individual or entity using the facilities for commercial purposes must provide, before the use, a Certificate of Insurance evidencing public liability coverage of one million dollars (\$1,000,000) per occurrence and naming the School as an additional insured.

The user must comply with any applicable standards of safety and behavior of the School and Utah law. Violation of any of these standards is grounds for termination of the use agreement and the immediate removal of individuals associated with the use. Violation may result in the forfeiting of all deposits, and additional charges may be assessed.

Additional fees may be charged for use of School equipment (spot lights, DVD players and televisions, microphones, etc.) and supplies.

The Principal may establish conditions of use intended to protect the facilities from damage or unreasonable wear and tear.

Users shall pay for any damage to the facilities or School equipment caused by their use.

## **Fees**

Except where the Principal has discretion under this Policy, users will be charged fees as set forth in the Fee Schedule below, which is subject to periodic review and revision.

The school's Parent Organization and individual classes may use the facilities free of charge for qualifying school-related activities. Such use must be approved by and coordinated with the School's Principal. These activities must be approved by the Principal before notice of the event is distributed.

Charitable and non-profit rates apply to non-profit organizations such as service clubs, Boy Scouts, Girl Scouts, United Way, cities and counties. The Principal may grant free use of the facilities to non-profit organizations at the Principal's discretion when the use will not create additional expense for the School.

## **Security Deposit**

At the discretion of the Principal, the user may be charged a refundable security deposit of up to \$500. The Principal shall determine the amount of the security deposit based on the size of the group, the location of the activity, and the type of activity involved.

Security deposits shall be paid by the user in a separate check and deposited by the School.

Following the use period, the Principal or designee shall inspect the facility for damage or mess requiring extra cleanup time. Any such extra charges will be deducted from the security deposit, and the remaining security deposit shall be refunded to the user. Should there be no extra charges assessed, the full amount of the security deposit shall be refunded.

**Personnel**

At least one School staff member must be present during any use of the facilities. The Principal will set the fee based on the number and type of personnel required for a particular activity. General supervision of the facility may be assigned to a custodian, teacher, administrator or other qualified staff member.

Users must pay for any additional custodial services that are required.

At least one staff member is required for use of the kitchen.

**Commercial and Charitable and Nonprofit Building use Fee Schedules**

<b>Commercial and Charitable Nonprofit Building Use Fee Schedule</b>		
<b>FACILITY</b>	<b>Commercial</b>	<b>Charitable/Nonprofit</b>
Parking lot	\$40/day	\$10/day
Cafeteria	\$125/hr	\$50/hr
Multipurpose room	\$125/hr	\$50/hr
Kitchen (When using the kitchen facility, it is mandatory to have at least one staff member present, for which there is an additional personnel charge.)	\$125/hr	\$50/hr
Classroom (each)	\$40/hr	\$20/hr
<b>PERSONNEL</b>	<b>Commercial</b>	<b>Charitable/Nonprofit</b>
Building Supervisor	\$35/hr	\$35/hr
Additional Staff	\$20/hr	\$20/hr
Kitchen Staff	\$20/hr	\$20/hr
<b>EQUIPMENT</b>	<b>Commercial</b>	<b>Charitable/Nonprofit</b>
This fee is done on a case by case basis. Fees are set by Principal or designee. Fee shall be documented in Building Use Agreement	TBD	TBD

# **Bullying & Hazing Policy**

**Adopted: October 2, 2017**

**Revised: February 4, 2019**

## **Policy**

The purpose of this policy is to prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct involving Advantage Arts Academy (the “School”) students and employees. The School’s Board of Directors (the “Board”) has determined that a safe, civil environment in School is necessary for students to learn and achieve high academic standards and that conduct constituting bullying, cyber-bullying, hazing, retaliation, and abusive conduct disrupts both a student’s ability to learn and the School’s ability to educate its students in a safe environment. 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 against School employees is prohibited by the School and will not be tolerated in the School.

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

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

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

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

In addition, School employees, coaches, sponsors and volunteers shall not permit, condone or tolerate any form of hazing, bullying, or abusive conduct and shall not plan,

direct, encourage, assist, engage or participate in any activity that involves hazing, 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 student directed toward a School employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress. A single act does not constitute abusive conduct.

*Bullying* -- For purposes of this policy, "bullying" means a School employee or student intentionally committing a written, verbal, or physical act against a School employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

- (1) causing physical or emotional harm to the School employee or student;
- (2) causing damage to the School employee’s or student’s property;
- (3) placing the School employee or student in reasonable fear of:
  - (a) harm to the School employee’s or student’s physical or emotional well-being; or
  - (b) damage to the School employee’s or student’s property;
- (4) creating a hostile, threatening, humiliating, or abusive educational environment due to:
  - (a) the pervasiveness, persistence, or severity of the actions; or
  - (b) a power differential between the bully and the target; or
- (5) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

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

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.

*Civil Rights Violations* – For purposes of this policy, “civil rights violations” means bullying, including cyber-bullying, 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.

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

(2) Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.

(3) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability.

(4) Other areas included under these acts include religion, gender, and sexual orientation.

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

(1) (a) endangers the mental or physical health or safety of a School employee or student;

(b) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

(c) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a School employee or student; or

(d) involves any activity that would subject a School employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a School employee or student to extreme embarrassment, shame, or humiliation; and

(2) (a)(i) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a School or School sponsored team, organization, program, club, or event; or (ii) is directed toward a School employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a School or School sponsored team, organization, program, club, or event in which the individual who commits the act also participates.

(3) The conduct described above constitutes hazing, regardless of whether the School employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

*Retaliate or Retaliation* -- For purposes of this policy, "retaliate or retaliation" means an act or communication intended:

(1) as retribution against a person for reporting bullying or hazing; or

(2) to improperly influence the investigation of, or the response to, a report of bullying or hazing.

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

(1) a School teacher;

(2) a School staff member;

(3) a School administrator; or

(4) an individual:

(a) who is employed, directly or indirectly, by the School; and

(b) who works on the School's campus(es).

### Reporting and Investigation

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

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

Each report of prohibited conduct shall include: name of complaining party; name of victim of prohibited conduct (if different than complaining party); name of offender (if known); date and location of incident(s); and a statement describing the incident(s), including names of witnesses (if known). In connection with a report of prohibited conduct, students and School employees may request that their identity be kept anonymous, and reasonable steps shall be taken by the Principal and others involved in the reporting and investigation to maintain the anonymity of such individuals, if possible. School employees will take strong responsive action to prevent retaliation, including assisting students who are victims of prohibited conduct and his or her parents or guardians in reporting subsequent problems and new incidents.

The Principal or 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 law enforcement all acts of bullying, cyber-bullying, hazing, abusive conduct, or retaliation that constitute suspected criminal activity.

The Principal may report to OCR all acts of bullying, hazing, cyber-bullying, abusive conduct, or retaliation that may be violations of student(s)' or employee(s)' civil rights.

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

### Parental Notification

The Principal or designee will timely notify a student's parent or guardian (a) if the student threatens to commit suicide or (b) of any incidence of bullying, cyber-bullying, hazing, abusive conduct, or retaliation involving the student. The Principal or designee will attempt to contact the parent or guardian by telephone or schedule an in-person meeting with them to discuss these matters. In the event the Principal or designee is not able to meet in person or discuss via telephone, the Principal or designee will send a letter to the parent or guardian providing the required notification.

The Principal or designee will produce and maintain a record that verifies that the parent or guardian was notified. If an in-person meeting takes place, the Principal or designee will ask the parent or guardian to sign a form acknowledging that the notification was provided. If a telephone conversation takes place, the Principal or designee will document 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 a letter is sent, the Principal or designee will retain a copy of the letter along with a note regarding when it was mailed. The School will retain the record as long as the student is enrolled at the School and destroy the record after that time. The School will maintain the confidentiality of the record in accordance with Utah Code 53G-9-604.

### Student Assessment

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, such as playgrounds, hallways, and lunch areas.

### Consequences of Prohibited Behavior

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

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 Ann. 53G-8-205, 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.

### Grievance Process for School Employees

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



### 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 did occur as a result of the student-victim's membership in a protected class, the School shall take prompt and effective steps reasonably calculated to:

(a) end the bullying, cyber-bullying, or hazing

(b) eliminate any hostile environment, and

(c) prevent its recurrence.

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

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

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

To the extent allowable under applicable privacy laws, the Principal may inform the parents or guardians of a student who is a victim of conduct prohibited by this policy of the actions taken against the perpetrator of such conduct.

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 perpetrator or victim of hazing, bullying or retaliation in the process of responding to and resolving conduct prohibited by this policy.

### Distribution of Policy and Signed Acknowledgement

The Principal will inform students, parents or guardians, School employees and volunteers that hazing, bullying, cyber-bullying, abusive conduct, and retaliation are prohibited and will distribute a copy of this policy to such individuals. 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.

### Training

The Principal will ensure that School students, employees, coaches, and volunteers receive periodic training from individuals qualified to provide such training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation, including training on civil rights violations and compliance when civil rights violations are reported. The training shall meet the standards established by the State Board of Education's rules.

To the extent possible, programs or initiatives designed to provide training and education regarding the prevention of bullying, hazing, abusive conduct, and retaliation will be implemented.

The training provided under this policy will address issues such as:

- (1) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
- (2) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
- (3) sexual aggression or acts of a sexual nature or with sexual overtones;
- (4) cyber-bullying, including use of email, web pages, text messaging, instant messaging, social media, three-way calling or messaging or any other electronic means for aggression inside or outside of school;
- (5) bullying, cyber-bullying, hazing and retaliation based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws: (a) Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or (c) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability; and
- (6) bullying, cyber-bullying, hazing, retaliation based upon the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes.

The training provided under this policy will 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). The training will also include information on when issues relating to this policy may lead to student or employee discipline.

This training shall be offered to all new school employees, coaches, and volunteers and shall be offered to all existing school employees, coaches, and volunteers at least once every three years.

In addition to training for all students and School employees, students, employees, and volunteer coaches involved in any athletic program, both curricular and extra-curricular, or extracurricular club or activity shall participate in bullying, cyber-bullying, hazing, and retaliation prevention training. This training shall be offered to new participants on an annual basis and to all participants at least once every three years. The School will inform student athletes and extracurricular club members of prohibited activities under this Policy and potential consequences for violation of this Policy and applicable law.

The Principal will ensure that training curriculum, schedules, and participant lists or signatures are maintained by the School and provided to the Utah State Board of Education upon request.

#### Action Plan to Address Reported Incidents of Bullying, Cyber-Bullying, Hazing, or Retaliation

The School will investigate all allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this policy and applicable law.

The Principal or their designee will investigate allegations of these incidents and ensure that this individual has adequate training to conduct such an investigation.

The School will investigate all allegations of these incidents by interviewing at least the alleged targeted individual and any individuals who are alleged to have engaged in the prohibited conduct. As part of the investigation, the School may also interview: (a) parents of the alleged targeted individual and the individual who is alleged to have engaged in prohibited conduct; (b) any witnesses; (c) School staff; and (d) other individuals who may provide additional information.

The individual who investigates an allegation of an incident will inform an individual being interviewed that (i) to the extent allowed by law, the individual is required to keep all details of the interview confidential; and (ii) 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 applicable law.

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

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

Following the investigation of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, or retaliation, the School may, if the administrator determines it is appropriate, take positive restorative justice practice action, as defined in R277-613-2(9) and support involved students through trauma-informed practices, as defined in R277-613-2(12). However, an alleged targeted individual 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 an alleged targeted individual who is a student to participate in a restorative justice practice, the School will notify the alleged targeted individual's parent of the restorative justice practice and obtain consent before including the alleged targeted individual in the process.

# Bylaws

Adopted: September 26, 2016

Revised: May 8, 2017

## AMENDED AND RESTATED BYLAWS OF ADVANTAGE ARTS ACADEMY

### ARTICLE I NAME, PURPOSE

1. The name of the organization is **Advantage Arts 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. 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 of Directors of the corporation (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 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 Director/Principal and committees established by the Board. The Board shall consist of no fewer than five (5) and no more than seven (7) directors. 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. However, in order to ensure that the terms of Board members are staggered to provide continuity in the Board, the terms for the initial Board of Directors shall be as follows: the Board member initially elected to serve as Board President shall serve a five (5) year term; the Board member initially elected to serve as Board Vice President shall serve a four (4) year term; the Board members initially elected to serve as Secretary and Financial Coordinator shall serve three (3) year terms; and Board members not initially elected to Board officer positions shall serve two (2) 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, a 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. No 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 DIRECTOR AND STAFF**

**Director/Principal.** The Director/Principal is hired by the Board. The Director/Principal has the day-to-day responsibility of managing the school, including carrying out the school's goals and Board policy. The Director/Principal 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

7. **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.

7. **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.

Dated: May 8, 2017.

### **BOARD OF DIRECTORS:**

Treion Muller

Kim Dohrer

Chris Finley

Jodi Wilson

Doug James



## **Capitalization and Expense Policy**

**Adopted: October 2, 2017**

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

### **Purpose**

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

### **Policy**

Items, including associated components necessary to use the item, which (a) have a fair market value over \$1,500.00 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: October 2, 2017**

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

## Policy

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

## Policy

The Principal will designate at least two (2) School employees who are authorized to handle cash paid to the School, and only those employees may handle cash for the School. The Principal will 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 Principal 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: October 2, 2017**

**Revised: February 4, 2019**

## Policy

Advantage Arts 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 and Family Services. The law provides serious penalties for failure to fulfill one’s duty to report.

The Principal 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: October 2, 2017**

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

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

It is policy of Advantage Arts Academy (the “School”) not to discriminate on the basis of sex, race, 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.

### **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 School Principal may establish additional procedures regarding issues related to compliance with Section 504.

## **Complaint Procedures**

Any person who believes he or she has been the victim of discrimination, harassment or sexual harassment by another student or an employee of the School, or any third person with knowledge of conduct that may constitute discrimination, harassment or sexual harassment should immediately report the alleged acts to the School principal.

If the complaint is against the School Principal, the complaint should be submitted to the president of 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 Principal will establish a process for handling complaints alleging harassment or discrimination under federal civil rights laws that complies with applicable legal requirements.

Any complaints related to the School's lunch program will be reported to the Utah State Office of Education, Child Nutrition Programs.

## **Compliance Officer**

The School Principal 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 School's principal.

# Concussion and Head Injury Policy

**Adopted: October 2, 2017**

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

## Policy

The purpose of this policy is to protect the safety and health of Advantage Arts 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 -301 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 Principal to establish administrative procedures consistent with this policy and applicable law.

# Conflict of Interest Policy

**Adopted: October 2, 2017**

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

## **Purpose**

The purpose of this Conflict of Interest Policy is to protect Advantage Arts Academy (the “School”) when it contemplates any transaction or arrangement that could benefit the private interest of an officer or director of the School. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit or charitable organizations or charter schools organized and operating in the State of Utah.

## **Policy**

### Compensation

A director shall not have any direct or indirect pecuniary interest in a contract or other arrangement with the School. A director shall not furnish directly and for compensation any labor, equipment, or supplies to the School.

### Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of a pecuniary or financial interest in any contract or other arrangement with the School. An “interested person” is any director who has a direct or indirect financial interest in a contract or other arrangement with the School. A person has a financial interest if the person has, directly or indirectly, through business, investment, or family: (i) an ownership or investment interest in any entity with which the School has a transaction or arrangement; (ii) a compensation arrangement with the School or with any entity or individual with which the School has a transaction or arrangement, or; (iii) a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the School is negotiating a transaction or arrangement. Compensation includes direct or indirect remuneration as well as gifts or favors that are not insubstantial.

### Conflict of Interest Determination

After disclosure of the financial interest to the Board of Directors and discussion of all material facts, the interested person shall leave the meeting while the Board discusses the situation and determines whether a conflict of interest exists. The interested person must abstain from voting on the issue.



The meeting minutes shall contain the names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, the names of all directors present at the meeting, and a record of any action taken by the Board.

# Credit Card Policy

**Adopted: October 2, 2017**

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

## **Purpose**

The purpose of this policy is to authorize the Principal to obtain credit cards for employees of Advantage Arts Academy (the “School”) and to establish procedures for use of credit cards to make purchases for the School.

## **Policy**

### Credit Card Account

Academica West has established a corporate credit card account under which the School can have individual credit cards issued for authorized School employees.

The School will be billed monthly for charges associated with purchases made with cards issued to School employees. The School will be responsible for full payment of all such charges each month and will reimburse Academica West for any costs associated with unpaid charges from purchases by School employees.

The total credit limit for all cards issued to School employees will be \$10,000. However, in the event a purchase needs to be made that exceeds this amount, the credit limit may be temporarily increased to \$15,000 with the approval of the Principal, Board Chair, and Board Financial Coordinator in order to make the purchase and then decreased back to the normal limit as soon as practicable.

### Procedures for Issuing Cards

The Principal will be issued a credit card and may authorize other School employees to receive credit cards. The Principal will coordinate the issuance of credit cards to School employees with Academica West.

The Principal will ensure that all employees to whom cards are issued are aware of and receive appropriate training regarding the policies and procedures applicable to their use of the card.

### Procedures for Making Purchases

School credit cards issued to School employees 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 not intended for purchases that can otherwise 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 card number with anyone. In addition, the credit card should not be stored in an online account that anyone other than the cardholder has access to.

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

The cardholder is responsible for receiving, printing and retaining all receipts related to purchases made with the School credit card. The cardholder shall label all receipts with a description of what it is for to ensure proper coding. All receipts must be submitted to Academica West within one week of the closing date of the account statement.

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

All purchases made with School credit cards will be reconciled by Academica West monthly in order to ensure that all receipts are present 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 Principal and Academica West will develop 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 must immediately contact the Principal, and the Principal will notify Academica West to have the card cancelled.

# Credit Evaluation Standards and Guidelines Policy

Adopted: October 2, 2017

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

## Purpose

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

## Policy

1. Pursuant with Utah Code § 53A-13-108.5, the School shall accept student credit and grades at face value from public and non-public schools accredited by Northwest Accreditation Commission ("NAC") and by regional or third party accrediting associations recognized by NAC.
2. Requests for acceptance of credit from a school that is not accredited will be referred to the Credit Evaluation Committee for credit determination. The School's Credit Evaluation Committee findings will be based on the following forms of evidence:
  - a. Course title and description
  - b. List of instructional materials used
  - c. Student achievement (progress)
    - i. Formative evaluations (sample)
    - ii. Summative evaluations (sample)
  - d. Correlation of course objectives with the Utah State Core Curriculum standards and objectives
  - e. Course length and student attendance
    - i. Number of days the class met
    - ii. Normal class length
    - iii. Number of classes attended by the student
  - f. Grading criteria used
  - g. Teacher name, qualifications, certifications, endorsements, etc.
  - h. Course requirements for credit (representative sample of student work)
  - i. Copy of student records
  - j. In addition to the forms of evidence listed above, students seeking credit may be required to demonstrate competency through end-of-level testing approved by the School in areas where competency tests are available.
3. The School will have the final decision-making authority for the awarding of credit and grades from non-accredited sources consistent with state law and due process.

4. Costs associated with the determination of credit, including competency level testing, will be borne by the parent/guardian of the student requesting credit consideration.
5. Students released for home instruction do not earn School credits. If students re-enter the School, requests for credit for home instruction studies will be evaluated under the provisions of this policy.

# Donations and Fundraising Policy

**Adopted: October 2, 2017**

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

## Policy

Although Advantage Arts 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 Principal is also responsible for ensuring that donor restrictions of accepted donations are complied with and that compliance can be verified. The Principal will ensure that charitable donation receipts are provided to donors as necessary.

The Principal 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 Principal 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 Principal 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 Principal for approval.
4. The Principal 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 Principal.
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 Principal.
10. The Principal 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 Principal 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 Principal 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 Principal 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 Principal'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 Principal 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 Principal 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 periodically and as necessary to ensure that adequate controls are in place.



# Dress Code Policy

**Adopted: October 2, 2017**

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

## Purpose

Advantage Arts Academy (the “School”) believes that a mandatory school dress code helps enhance the school environment and that it promotes safety and an atmosphere conducive to appropriate discipline with a minimum need for ongoing intervention, thereby increasing learning opportunities for students by removing many of the distractions and negative or disruptive connotations associated with various types of clothing.

## Policy

The Principal will assemble a committee to determine the School’s dress code. The dress code should be supportive of the purposes set forth above, yet easily understood by parents and students and not overly complicated, restrictive or burdensome to families. The dress code committee may modify the dress code from year to year in order to address changes in style and other factors. However, the key provisions of the dress code, including allowable pant and shirt colors and styles, should typically remain largely consistent from year to year in order to avoid placing undue burden on families.

All students of the School are required to comply with the dress code. Parents are responsible for ensuring that their children wear the appropriate clothing to school.

# Dual Enrollment Policy

Adopted: October 2, 2017

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

## Purpose

The purpose of this policy is to articulate Advantage Arts Academy's (the "School") position on the dual enrollment of private school and home schooled students in the School.

## Policy

Pursuant to Utah Code Ann. § 53A-11-102.5, students may be dually enrolled in both the School and in a private school or home school under the conditions set forth herein.

A parent seeking to dually enroll a student must certify that the student will receive instruction (a) in the subjects the State Board of Education requires to be taught in public schools and (b) for the same length of time as minors are required to receive instruction in public schools, as provided by rules of the State Board of Education.

All students of the School must be enrolled in the School for at least  $\frac{3}{4}$  of each school day. Therefore, no student of the School will be allowed to dually enroll if they do not plan to attend at least  $\frac{3}{4}$  of each school day.

Requests for dual enrollment should be provided to the Principal using the Application for Home School Dual Enrollment.

Students who are dually enrolled in the School and in a private school or home school will only take the state standardized tests and other assessments for the subjects for which they receive instruction at the School.

# Effective Educator Standards

**Adopted: November 4, 2019**

## **Purpose**

Advantage Arts 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 Principal, 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 Principal 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

**Adopted: October 2, 2017**

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

## 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 Ann. § 52-4-207.

## Policy

### Definitions

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

### Electronic Meetings

The Board may, from time to time as needed, convene and conduct Board meetings by means of a conference using electronic communications.

An "electronic board meeting" is defined as a meeting convened and conducted by means of telephone, telecommunications, or by other computerized, electronic, or teleconferencing means and media in accordance with the Act.

The Board will establish one or more anchor locations for the electronic board meeting, at least one of which is the building where the Board would normally meet if they were not holding an electronic meeting.

### 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, anchor location and the means by which members of the public will be able to monitor and, when permitted and appropriate, participate in the electronic meetings.

# **Electronic Resources Policy**

**Adopted: October 2, 2017**

**Revised: November 4, 2019**

## **Purpose**

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

## **Electronic Devices**

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

## **Internet Safety**

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

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

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

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

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

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

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

## **Review and Approval**

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

# Emergency Response Plan Policy

**Adopted: October 2, 2017**

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

## **Policy**

It is the policy of Advantage Arts Academy (the “School”) to develop and maintain an up-to-date plan for responding to emergencies involving the School. Accordingly, the School’s Principal will ensure that the School adopts and keeps updated an Emergency Response Plan that provides adequately for the safety of students and staff members.



# **Employee Handbook Policy**

**Adopted: October 2, 2017**

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

## **Policy**

The purpose of this policy is to ensure that Advantage Arts Academy (the “School”) operates in accordance with applicable employment laws.

The School’s Principal will adopt and keep updated an Employee Handbook and establish administrative procedures that comply with federal and state employment laws.

# **Employment of Substitute Teachers Policy**

**Adopted: August 13, 2018**

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

## **Purpose**

The purpose of this policy is to help ensure that Advantage Arts Academy (the “School”) hires and evaluates substitute teachers in accordance with state law.

## **Policy**

The School will hire and evaluate licensed and unlicensed substitute teachers in accordance with Utah Administrative Code Rule R277-508.

To the extent possible, the School will adhere to the hiring priorities established by Rule R277-508-4 when hiring substitute teachers.

With respect to hiring licensed substitute teachers, the School will not employ any individual as a substitute teacher whose license has been revoked or is currently suspended by the Utah State Board of Education or whose license has been revoked or is currently suspended by another state. The School will obtain verification from CACTUS that a substitute teacher applicant’s license has not been revoked or suspended. The School will also ensure that a background check is performed and passed for each substitute teacher (whether licensed or not) employed by the School.

The School will evaluate substitute teachers and adopt a payment schedule to pay substitute teachers according to their training, experience, and competency.

# Enrollment and Lottery Policy

**Adopted: October 2, 2017**

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

## **Purpose**

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

## **Policy**

The School will follow applicable laws in connection with its lottery and the enrollment of students, including Utah Code § 53A-1a-506.5 and R277-472-5 regarding notifying prospective students and parents and enrolling students.

## Application

Students will apply for admission to the School electronically or by completing a paper application provided by the School to be placed into an electronic database.

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

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

## Lottery

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

## Open Enrollment

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

The open enrollment period will remain open and the School will continue to accept applications until all available spots have been filled. The School may, at the Principal's discretion, continue to enroll students from the lottery throughout the school year to fill spots that open when students withdraw.

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

### Preferential Enrollment

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

Preferential enrollment will first be given first to the children of any "founding members." Founding Members are those individuals that have made a significant contribution to the establishment of the charter as determined by the board of directors. Founder status will not be conferred based on donations made to the School.

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

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

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

No students will be given priority notice or guaranteed admission to the School. The School will not make enrollment decisions or give preference to any student on any basis prohibited by applicable law, including federal civil rights laws and IDEA 2004.

# Ethics Policy

**Adopted: October 2, 2017**

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

## Purpose

Advantage Arts 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 Utah Educator Standards contained at R277-515-3 pertaining to the ethical conduct required of all licensed educators in the state of Utah.

# Family Educational Rights and Privacy Policy

**Adopted: October 2, 2017**

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

## **Policy**

The purpose of this policy is to encourage positive parental involvement in the education of children attending Advantage Arts Academy (the "School"). The School will comply with State and federal laws concerning family educational rights and privacy, including but not limited to the federal Family Educational Rights and Privacy Act and the Utah Family Educational Rights and Privacy Act.

The School's Principal will establish administrative procedures that provide standards for the protection of private information within the curriculum and other school activities and in the administration of psychological or psychiatric examinations, tests, or treatments, or any survey, analysis or evaluation of students. The procedures will also address the management of student educational records.

# Fee Waiver Policy

**Adopted: October 2, 2017**

**Revised: February 4, 2019**

**Revised: December 2, 2019**

## Purpose

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

## Policy

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

## Definitions

"Co-curricular activity" means an activity, course, or program outside of School hours, that also includes a required regular School day program or curriculum.

"Curricular activity" means an activity, course, or program that is provided, sponsored, or supported by the School and conducted only during School hours.

"Extracurricular activity" means an activity or program for students, outside of the regular School day, that:

- (a) is sponsored, recognized, or sanctioned by the School; and
- (b) supplements or compliments, but is not part of, the School's required program or regular curriculum.

"Fee" means something of monetary value requested or required by the School as a condition to a student's participation in an activity, class, or program provided, sponsored, or supported by the School. This includes money or something of monetary value raised by a student or the student's family through fundraising.

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

- (a) is a personal discretionary charge or purchase, including:



- (i) a charge for insurance, unless the insurance is required for a student to participate in an activity, class, or program;
- (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, fundraiser, 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, fundraiser, 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, fundraiser, 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, fundraising event, 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 waiver"

- (a) means an alternative to fee payment or waiver of fee payment; and
- (b) does not include a plan under which fees are paid in installments or under some other delayed payment arrangement.

"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.

"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.

“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.

Beginning with or after the 2021-2022 school year:

- (a) if the School imposes a fee, 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.

Beginning with the 2022-23 school year, the School may not charge a fee for a textbook as provided in Section 53G-7-603, except for a textbook used for a concurrent enrollment or advanced placement course.

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

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

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

No fee may be charged 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 or a suggested list of student supplies for use during the regular school day so that a parent or guardian may furnish on a voluntary basis student 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 Optional Projects**

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

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

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

A fee related to 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 (i.e., programs sponsored by the parent organization and/or an outside organization) may charge for participation, and fee waivers are not available for these charges.

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

In the event the School provides supplemental kindergarten, the School may charge a fee related to a student's enrollment in the supplemental kindergarten. A fee for supplemental kindergarten is subject to waiver.

### **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 in connection with 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.

### **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.

The amount of revenue raised by a student through an individual fundraiser for an activity, as well as the total per student amount expected to be received through required group fundraising for an activity, will be included as part of the maximum fee amount per student for the activity and maximum total aggregate fee amount per student.

### **Notice to Parents**

The Principal will annually provide written notice of the School's Fee Schedule and Fee Waiver Policy to the parent or guardian of each student in the School by ensuring that a written copy of the School's Fee Schedule and Fee Waiver Policy is included with all registration materials provided to potential or continuing students each year. The procedures for obtaining fee waivers and for appealing a denial of a waiver will also be included with the School's registration materials.

The School will post the applicable Fee Schedule and Fee Waiver Policy, including maximum fee amounts, on the School's website each school year.

### **Donations**

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

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

The School may solicit and accept a donation or contribution in accordance with the School's policies, including the Donation and Fundraising Policy, but all 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, 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 Principal to ensure that all student fees collected are in compliance with the Fee Schedule and applicable financial policies and procedures.

Fees must be received and deposited in a timely manner.

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

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 fee waivers. Fee waivers or other provisions in lieu of fee waivers will be available to any student whose parent is unable to pay a fee.

All fees are subject to waiver.

Non-waivable charges are not subject to waiver.

## **Fee Waiver Administration**

The Principal 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. 123g (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 funding. If a student's family receives TANF, the School may require a letter of decision covering the period for which the fee waiver is sought from the Utah Department of Workforce Services; or
- (d) The student is in foster care through the Division of Child and Family Services or is in state custody. If a student is in state custody 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.

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.

### **Fee Waiver Approval Process**

The Principal 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.

The Principal 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.

The School will maintain documentation of fee waiver applications and decisions that is adequate to report the required information to the Utah State Board of Education.

### **Appeal Process**

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

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

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

The School may allow a student to perform service or another approved task (as described in Utah Code § 53G-7-504(2)) in lieu of paying a fee or, in the case of an eligible student, in lieu receiving a fee waiver, but such alternatives may not be required. If the School allows an alternative to satisfy a fee requirement, the Principal will explore with the interested student and his or her parent/guardian the alternatives available for satisfying the fee requirement, and parents will be given the opportunity to review proposed alternatives to fees and fee waivers. 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.

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

The Board will review and approve this policy annually.

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

# Financial Reporting Policy

**Adopted: October 2, 2017**

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

## **Purpose**

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

## **Policy**

The School will ensure that financial reporting for the School is performed in accordance with 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.

# **Government Records Access Management Act (GRAMA) Policy**

**Adopted: October 2, 2017**

**Revised: October 1, 2018**

## **Policy**

The purpose of this policy is to establish criteria for managing, classifying, accessing, disposing and retaining records of Advantage Arts Academy (the “School”) in compliance with the Government Records Access and Management Act (GRAMA). It is the policy of the School’s Board of Directors to provide fair and timely public access to information contained in the School’s records and at the same time protect individual privacy rights in relation to personal data gathered by the School. This policy does not apply to student records. Student records are governed by the Family Education Privacy Act (FERPA) and the School’s FERPA Policy.

## **Records Officer**

The School’s Principal is designated as the Records Officer for all records requests. The Principal may delegate responsibility for complying with GRAMA and responding to records requests to other individuals as appropriate.

The records officer shall perform the duties set forth in Utah Code § 63G-2-103 and review and respond to requests for access to records.

## **Records Classification**

As records requests are made, the records officer shall evaluate School records and make designations and classifications as set forth in Utah Code § 63G-2-307.

Records shall be classified under the following general categories:

- Public records as described in Utah Code § 63G-2-301;
- Private records as described in Utah Code § 63G-2-302;
- Controlled records as described in Utah Code § 63G-2-304;
- Protected records as described in Utah Code § 63G-2-305; and
- Limited records as described in Utah Code § 63G-2-201 (3)(b).

## **Record Access**

A person requesting a record must make a written request directed to the records officer. Upon request, records classified as public may be inspected by any person during normal working hours in accordance with Utah Code § 63G-2-201.

Upon request, private, controlled and protected records shall be disclosed in accordance with Utah Code § 63G-2-202.

The records officer (or designee) shall respond to requests for access to records within established time limits described in Utah Code § 63G-2-204.

## **Fees**

The records officer (or designee) may charge up to ten cents (10¢) per page to cover the actual costs, as described in Utah Code § 63G-2-203(1), of duplicating a record.

Fees for duplication and compilation of a record may be waived by the records officer under certain circumstances described in Utah Code § 63G-2-203(4).

## **Appeals**

If a requester is dissatisfied with the records officer's (or designee's) initial decision, the requester may appeal the decision in writing to the School's Board President according to time limits and provisions of Utah Code § 63G-2-401.

If the denial of access is affirmed in whole or part, the requester may then appeal the decision to the State Records Committee as outlined under Utah Code § 63G-2-403, or petition for judicial review in district court as provided in Utah Code § 63G-2-404.

An individual may contest the accuracy or completeness of a document pertaining to that individual pursuant to Utah Code § 63G-2-603. The request should be made to the records officer (or designee).

## **Approval of Board Meeting Minutes**

The Board of Directors will approve minutes of board meetings at the next regularly scheduled meeting of the Board as set forth on the annual board meeting calendar.

# Health and Safety Policy

Adopted: October 2, 2017

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

## Policy

It is the policy of Advantage Arts Academy (the “School”) to develop and maintain up-to-date procedures to ensure the health and safety of students and staff of the School. Accordingly, the School’s Principal will ensure that the School adopts and keeps updated procedures that provide adequate protection for the health and safety of students and staff members.

# Home School Student Participation in U-PASS Policy

**Adopted: October 2, 2017**

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

## Purpose

The purpose of this policy is to set forth the responsibilities of Advantage Arts Academy (the "School") in the event a home school student requests to participate in the Utah Performance Assessment System for Students ("U-PASS") at the School.

## Policy

A home school student may participate in U-PASS at the School if each of the following conditions are met:

- (1) The student is a Utah resident as defined in Utah Code Ann. § 53A-2-201 and proof of residency has been provided to the School;
- (2) The student has satisfied the home schooling requirements of Utah Code Ann. § 53A-11-102 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 U-PASS 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, will remain at the School in a designated area while school personnel administer and proctor the test. The parent or guardian of the student agree that they will not participate in the monitoring or proctoring of the student's U-PASS testing at the School.

The School will respond to a home school student's request to participate in U-PASS at the School 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 U-PASS testing at the School in which the student may participate 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 U-PASS 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 U-PASS dates at the School, the location of the School campus(es) at which home school students may be tested, and a copy of the School's written policies for home school student participation in U-Pass 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 U-PASS to its students and home school students who participate in U-PASS at the School 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.



# Information Technology Security Policy

**Adopted: October 2, 2017**

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

## Purpose

Advantage Arts Academy (the “School”) has a duty to ensure the security of the School’s computer equipment, systems, and networks so that the sensitive data maintained or stored on them is protected. The purpose of this policy is to explain how the School will perform this duty in compliance with state and federal law.

## Policy

The School will protect sensitive data, including personally identifiable student data, in accordance with reasonable data industry best practices and state and federal law. Applicable state and federal law includes but is not limited to the Utah Student Data Protection Act, the Utah Family Educational Rights and Privacy Act, Utah Administrative Code Rule R277-487 Public School Data Confidentiality and Disclosure, the federal Family Educational Rights and Privacy Act, and the Government Records Access and Management Act.

### Information Technology Systems Security Plan

Utah Administrative Code Rule R277-487 requires the School to, among other things, have an Information Technology Systems Security Plan that addresses the following:

- (1) System Administration;
- (2) Network Security;
- (3) Application Security;
- (4) Endpoint, Server, and Device Security;
- (5) Identity, Authentication, and Access Management;
- (6) Data Protection and Cryptography;
- (7) Monitoring, Vulnerability, and Patch Management;
- (8) High Availability, Disaster Recovery, and Physical Protection;
- (9) Incident Responses;
- (10) Acquisition and Asset Management; and
- (11) Policy, Audit, and E-Discovery Training.

The Principal shall establish an administrative Information Technology Systems Security Plan that complies with Utah Administrative Code Rule R277-487 and other applicable law.

The Information Technology Systems Security Plan shall work in conjunction with this policy and the School's Student Data Privacy and Security Policy, Data Governance Plan, metadata dictionary, and any other School policy, procedure, or plan concerning data privacy and security.

### **Training**

On an annual basis, the School shall provide appropriate training to its employees, aides, and volunteers regarding information technology security matters.

# Investment Policy

**Adopted: June 4, 2018**

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

## Purpose

Advantage Arts 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 Ann. § 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 investment 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 investment 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 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 investment policy.
- D. The Board of Directors shall manage investment activities authorized by the Act in consultation with the School’s financial advisor. The Board of Directors shall

maintain a system of internal controls so that School funds are protected at all times from loss, theft, and fraud.

E. The Board of Directors 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 either: (i) an authorized member of the School's Board of Directors; or (ii) both the Director and the School's Management Company. Any transfer approved by both the Director and the School's Management Company shall be reported to the School's Board of Directors at the first Board of Directors meeting subsequent to the approved transfer.

# Parent and Family Engagement Policy

Approved: November 5, 2018

## Purpose

In support of strengthening student academic achievement, Advantage Arts 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.

## **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-School Compact

Adopted: October 2, 2017

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

## Parent/Guardian Responsibilities

I want my child to achieve, therefore I will:

- Read with my child for 30 minutes each night.
- Make certain my child attends school regularly and on time.
- Attend parent-teacher conferences and communicate regularly with my child's teacher to ensure his/her academic success.
- Support the school and staff in maintaining proper discipline including compliance with the school's dress code.
- Encourage positive attitudes toward school.
- Use the Student Information System to keep abreast of my student's grades and progress.
- Maintain communication with the school and teacher by reading and responding to email, notes home, phone calls, etc. as necessary.
- Drive safely and courteously during pick-up and drop-off and follow established procedures.

## Student Responsibilities

It is important that I learn, therefore I will:

- Attend school regularly and on time.
- Complete assignments and homework.
- Be prepared for class, bringing homework and supplies to school each day.
- Work to the best of my ability.
- Work cooperatively with classmates, teachers and staff.
- Respect other people, my school, and myself.
- Follow all school rules and accept responsibility for my own actions.
- Help create a learning environment free of distractions by refraining from bullying and disruptive or distracting behavior.
- Follow all schools rules and abide by the dress code.

## Teacher Responsibilities

It is important that my students achieve, therefore I will:

- Hold high expectations for all students, believing all students can learn.
- Provide high-quality instruction in a supportive and non-threatening environment.
- Provide meaningful homework.
- Communicate regularly with my students and their families through conferences, email, blog, notes, phone calls, etc.

- Provide opportunities for parents to assist in the classroom or at school in meaningful ways.
- Utilize assessment and progress data to inform instruction.
- Participate in on-going professional development to increase and enhance instructional strategies.

### **Administrator Responsibilities**

I support this compact, therefore I will:

- Provide a positive and equitable learning environment for all children.
- Encourage our staff to provide parents with the information about the total school program.
- Encourage our staff to provide avenues for positive and meaningful parent involvement.
- Provide meaningful opportunities for parents to receive the information and training needed to effectively become involved in planning and decision-making in support of their student's education.

# Parent Grievance Policy

**Adopted: October 2, 2017**

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

## Purpose

The purpose of this policy is to clarify for parents a process by which concerns can be addressed. The Board of Directors of Advantage Arts Academy (the “School”) 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 in and out of the classroom for 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 will be used. The purpose of this policy is to ensure that parents understand how to pursue the resolution of grievances, concerns and disputes involving the School.

## Policy

### Concerns Involving School Personnel

A parent who has a complaint involving a teacher, staff member or member of the School’s administration (including the Principal) must first address the issue with the other individual involved and work reasonably and in good faith to resolve the concern.

A parent that is not able to resolve the dispute himself or herself may then raise the issue with the School’s Principal. The parent should 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, the parent and the Principal should schedule a time to discuss the concern in person or via telephone.

If a parent’s complaint involves the Principal, the parent must first address the issue with the Principal and work reasonably and in good faith to resolve the problem. The parent is not required to send the Principal a written complaint in this situation.

In the event the parent and the Principal are unable to resolve a complaint and the parent 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 problem, and the requested solution. The Board will then

consider the complaint and take whatever action it deems appropriate.

### Concerns Involving Board Policy

If a parent has a concern regarding Board policy, the parent may communicate with the Board Chair in writing via email or certified mail with proof of receipt. A parent may address the Board during the “public comment” portion of a Board of Directors meeting, if available. Parents may also request to be added to the Board meeting agenda by contacting the President of the Board of Directors 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 should be addressed with the Principal rather than the Board.

## **Pest Management Policy**

**Adopted: October 2, 2017**

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

### **Policy**

Advantage Arts Academy (the “School”) is committed to providing a safe environment for our students and staff. We recognize that it is important to protect students from exposure to both pests and pesticides. The School has therefore adopted the Integrated Pest Management (“IPM”) approach to pest control in accordance with Utah state law. IPM is an ecologically-based pest management strategy that seeks to provide long-term solutions to pest problems with minimum impact on human health and the environment. The IPM approach minimizes the exposure of students and staff to pesticides by incorporating a variety of non-chemical and chemical methods to prevent and eradicate pests. The Principal is responsible for ensuring that the IPM approach is implemented in accordance with Utah Administrative Code R392-200-7(12).

# **Political Signs on School Property Policy**

**Adopted: October 2, 2017**

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

## **Purpose**

The purpose of this policy is to address the posting of political signs on Advantage Arts Academy's (the "School") property.

## **Policy**

In accordance with Utah Code 20A-17-103, the School will not allow the posting of any political signs on School property.

# Procurement Policy

**Adopted: June 19, 2017**

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

## Policy

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

## Procurement Process

No procurement process is required for purchases up to \$1,000. The School may make such purchases from any vendor without obtaining competitive bids.

For small purchase as defined in Utah Administrative Code R33-5-104, which will typically include purchases over \$1,000 up to \$50,000 of items other than professional services, the School will follow the procedures set forth in the rule and will typically obtain at least two competitive quotes and purchase from the responsible vendor offering the lowest quote meeting the specifications.

Unless an exception applies, for purchases of items other than professional services over \$50,000, the School will conduct an appropriate procurement process, such as a Request for Bids or a Request for Proposals.

The School will not artificially divide purchases or otherwise take steps in order to avoid the requirement to obtain competitive quotes or conduct a 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 will comply with the requirements of the Procurement Code in connection with any contract with a term that is longer than five (5) years, including any automatic renewals or extensions.

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 Principal and Board of Directors.

# Public Code of Conduct Policy

**Adopted: March 2, 2020**

## **Purpose**

Advantage Arts Academy (the “School”) values and appreciates all of its students, staff members, parents, and other community members. The School is committed to maintaining an orderly, positive, and safe educational environment for all who come onto School property. The School has policies governing the conduct of its staff members and students. Such policies establish the standards of conduct that staff members and students must abide by and the disciplinary measures for staff members and students if they violate such standards. The purpose of this policy is to establish the standards of conduct that members of the public, including parents, must abide by while on School property and the penalties for violating such standards.

## **Policy**

### Definitions

*Members of the public* – for purposes of this policy, “members of the public” means any person who is not a staff member or student.

*School property* – for purposes of this policy, “School property” means any of the buildings, grounds, or other property owned, leased, or rented by the School.

*Staff member* – for purposes of this policy, “staff member” means an employee or contractor of the School.

*Student* – for purposes of this policy, “student” means any child enrolled in the School as well as any person over the age of 18 that is still enrolled in the School.

### Acceptable Conduct on School Property

Members of the public who come to the School during school hours shall first check in at the main office. Members of the public attending activities on School property that are open to the general public, such as parent-teacher conferences, extracurricular activity events, or other public events, are not required to check in at the main office. Any unauthorized member of the public on School property shall be reported to the School’s Principal or his/her designee. Unauthorized members of the public shall be asked to leave School property. The School may contact law enforcement for help if deemed necessary.

While on School property, members of the public shall:

- Conduct themselves with dignity and respect.
- Communicate with and treat others in a civil and courteous manner.

- Treat School property properly.
- Abide by state and federal laws and local ordinances.
- Abide by applicable School policies and rules.
- Drive safely and courteously during pick-up and drop-off and follow established pick-up and drop-off procedures.

### Unacceptable Conduct on School Property

While on School property, members of the public shall not:

- Use foul, profane, vulgar, or abusive language.
- Physically harm another person.
- Intimidate, harass, bully, or threaten another person.
- Distribute or wear clothing or materials that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school environment.
- Discriminate against another person on the basis of race, color, national origin, religion, sex, disability, age, citizenship status, genetic information, gender identity, or sexual orientation.
- Obstruct the free movement of another person against that person's will.
- Possess, consume, sell, or distribute alcoholic beverages, controlled substances, or be under the influence of either.
- Possess or use weapons in an illegal manner.
- Refuse to comply with any reasonable order or request of staff members given in the performance of their School duties.
- Violate state law or local ordinances applicable to School property, including Utah Code § 53G-8-603 (Criminal trespass upon school property); Utah Code § 76-9-102 (Disorderly conduct); Utah Code § 76-9-106 (Disrupting the operation of a school); and Salt Lake County Ordinance 10.32.010 (Unlawful acts in or about schools, colleges or universities). Examples of violations include:
  - Injuring another person or threatening to do so;
  - Damaging School property or the property of a staff member, student, or any other person lawfully on School property.
  - Committing any crime.
  - Entering or remaining on School property without authorization, especially if notice against entry or remaining has been given by the School's Principal or his/her designee.
  - Refusing to comply with the lawful order of a law enforcement officer to leave School property.
  - Creating a hazardous or physically offensive condition for no legitimate purpose.
  - Engaging in fighting or in violent, tumultuous, or threatening behavior.
  - Making unreasonable noises.
  - Obstructing vehicular or pedestrian traffic.

- Annoying, disturbing, or otherwise preventing the orderly conduct or operation of School classes, programs, or other activities.
- Annoying, disturbing, assaulting, or molesting any School student or staff member.
- Loitering.
- Engaging in conduct or speech that is lewd, wanton, or lascivious.
- Parking or moving a vehicle in the immediate vicinity of or on School property for the purpose of annoying or molesting School students or employees, or in an effort to induce, entice, or invite School students or employees into or on the vehicle for immoral purposes.
- Violate any federal or state law, local ordinance, or School policy or rule.
- Incite another person to commit any of the conduct prohibited by this policy.

### Enforcement and Consequences

The School's Principal or his/her designee is responsible for handling situations involving unacceptable conduct by members of the public. Staff members or members of the School's Board of Directors may also assist in handling such situations in the absence of the School's Principal or his/her designee. The School's Principal or his/her designee, or any staff member or Board member in the absence of the School's Principal or his/her designee, shall take any reasonable action (including having a member of the public removed from School property and/or securing help from law enforcement if deemed necessary) in such situations to ensure the safety of those on School property and to prevent substantial disruptions of School activities. If a staff member or Board member takes such action he or she shall notify the School's Principal or his/her designee as soon as reasonably practicable.

Members of the public who engage in unacceptable conduct may be penalized by the School, up to and including being banned from coming onto School property in the future on a temporary or permanent basis. The School's Principal or his/her designee shall determine what type of ongoing consequence, if any, should be imposed on a member of the public for violating this policy.

If a member of the public's unacceptable conduct constitutes a violation of law, the School also reserves the right to also pursue criminal prosecution and/or civil litigation, as applicable, against the member of the public.

### Communication of Policy

The School's Principal shall inform staff members of this policy. In addition, the School shall post in a conspicuous place on School property the rules and requirements pertaining to members of the public, including acceptable and unacceptable conduct on School property as outlined in this policy.

# Purchasing and Disbursement Policy

**Adopted: June 19, 2017**

**Revised: November 4, 2019**

## 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 Advantage Arts Academy (the “School”), without approval of the Board of Directors (the “Board”).

## Purchasing

The responsibility for approving purchases is delegated to the Principal of the School by the Board as set forth below.

- All purchases up to \$5,000 must be approved by the Principal;
- All purchases between \$5,000 and \$7,500 must be approved by either the Board President *or* Board Treasurer;
- All purchases between \$7,500 and \$15,000 must be approved by the Board President *and* the Board Treasurer; and
- All purchases above \$15,000 must be approved by a majority vote of the Board.

Employee purchases that require reimbursement are discouraged.

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 the School’s management company and Principal as set forth below.

Disbursements will be charged to one of two School accounts: (i) the General Operating Account; and (ii) the Petty Cash Account. The School’s management company is responsible for disbursements charged to the General Operating Account, and the School’s Principal is responsible for disbursements charged to the Petty Cash 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 the School's management company.
- The School's management company 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.

## Petty Cash Account

In addition to the General Operating Account, the Board may approve a Petty Cash Account with corresponding checks and a debit card to be utilized at the discretion of the Principal. The purpose of the Petty Cash Account is to provide a convenient way to pay for small expenses while minimizing exposure of School funds to the risk of misuse or theft.

Blank warrants/checks and/or a debit card for the Petty Cash Account may be kept in locked storage under the control of the Principal or designated alternate. Disbursements charged to the Petty Cash Account shall be made in accordance with the following provisions to ensure payments are properly authorized and recorded:

- In general, the Petty Cash Account should maintain a balance between \$500 and \$2,000.
- Access to the Petty Cash debit card is limited to the School's Principal or a designated alternate.
- Access to blank checks is limited to the School's Principal or a designated alternate. When blank checks are received; the date, quantity, and inclusive serial numbers are recorded and added to the total balance on hand. When a blank check is used, the stub along with a copy of the receipt is to be signed by the Principal and forwarded to the management company. The use of these blank checks should be kept to an absolute minimum.
- The School's Principal or designated alternate is responsible for: (i) maintaining records and receipts for each transaction charged to this account; and (ii) entering the information into the School's accounting software on a regular basis. Information should be uploaded in a timely manner to allow the School's

management company adequate time to provide accurate monthly financial reports to the Board.

- The School's Principal or designated alternate is responsible for replenishment of the account when petty cash is low. To replenish petty cash, the Principal must request the School's management company to transfer funds.

### 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.

# Religion and Education Policy

**Adopted: October 2, 2017**

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

## Purpose

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

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

## Policy

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

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

Secondary students may request to be excused or refrain from participating, in activities, discussions, and assignments that they feel would violate their rights of conscience or religious freedom. Such requests must be made in a timely manner to the appropriate authorities. The parent(s) or legal guardian(s) of a minor student may also make a request for excusal on that student’s behalf. If focused on a specific activity, discussion, or assignment, and in accordance with Utah Code, State Board of Education Rules, and School Procedures, such requests will be granted routinely and without penalty.

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



# Revenue Recognition Policy

**Adopted: October 2, 2017**

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

## Purpose

To specify the approach taken in recognizing revenues received by Advantage Arts Academy (the “School”), and to specify the priority under which revenues will be allocated to associated expenses.

The principal source of operating funds the School receives is derived from federal, state, and local funds.

## Policy

*Federal Funding* – The School receives federal charter school grants, which are paid through the Utah State Office of Education (the “USOE”). Funds are generally received on a reimbursement basis and, accordingly, revenues related to these federal grants are recognized when qualifying expenses have been incurred and when all other grant requirements have been met.

*State Funding* – The School receives funding from the State of Utah as administered by the USOE based on the number of students enrolled in the School. The State provides unrestricted funding for normal school operations and restricted funds for specific school-related activities or functions. Unrestricted funding is recognized as revenue when received.

*Contributions and Donated Services (local and other)* – Unrestricted contributions are recognized as revenue when received. Contributions of services are recognized as revenue at the time the service is rendered when specialized skills are required and when the School would otherwise purchase the services. Temporarily restricted contributions are recognized as revenue when the terms of the restrictions are met. Permanently restricted contributions represent the cumulative amount of endowment contributions received. Endowment contributions are principal amounts donated with the agreement that only future earnings on the principal be available for the operations of the School. All contributions are considered to be available for unrestricted use unless specifically restricted by the donor.

# Service Animal Policy

**Adopted: February 3, 2020**

## **Purpose**

Advantage Arts Academy (the "School") adopts this policy to ensure that individuals with disabilities are able to participate in and benefit from School services, programs, and activities, and to ensure that the School does not discriminate against individuals on the basis of disability. As provided by the Americans with Disabilities Act Amendments Act (the "Act") and its accompanying regulations, individuals with disabilities will be permitted to bring their service animals on School property in accordance with this policy.

## **Policy**

Individuals with disabilities, including students, employees, and visitors, will be permitted to be accompanied by their service animal in School facilities and vehicles, on School grounds, and at School functions in accordance with applicable law and this policy. Pets and other animals, except as allowed for pre-approved educational purposes, are restricted from the School. The School's Principal is responsible for the administration of this policy.

## Definition of Service Animal

"Service animal" includes any dog that:

(a) is trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability;

(b) performs work or tasks, or is in training to perform work or tasks, that are directly related to the individual's disability, including:

- (i) assisting an individual who is blind or has low vision with navigation or other tasks;
- (ii) alerting an individual who is deaf or hard of hearing to the presence of people or sounds;
- (iii) providing non-violent protection or rescue work;
- (iv) pulling a wheelchair;
- (v) assisting an individual during a seizure;
- (vi) alerting an individual to the presence of an allergen;
- (vii) retrieving an item for the individual;
- (viii) providing physical support and assistance with balance and stability to an individual with a mobility disability; or
- (ix) helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

"Service animal" does not include:

- (a) an animal other than a dog, whether wild or domestic, trained or untrained; or
- (b) an animal used solely to provide:
  - (i) a crime deterrent;
  - (ii) emotional support;
  - (iii) well-being;
  - (iv) comfort; or
  - (v) companionship.

### Guidelines and Procedures

Due to the School's need to accommodate a variety of disabilities and conditions, the Principal should be notified when an individual with a disability desires to be accompanied by a service animal on School property or during a School function.

In response to this notification, the Principal will request (a) an affirmation that the animal is required because of disability and (b) a description of the work or tasks that the service animal has been trained to provide for the person with the disability.

The Principal will also request proof that the service animal complies with applicable animal control and public health requirements for licensure and/or vaccinations required by the municipality in which the individual with a disability resides.

### Control and Management

A service animal must be under the control of its handler at all times while on School property or at a School function.

A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

### Care and Supervision

Service animals must be housebroken.

The School, including classroom staff, is not responsible for the care or supervision of a service animal. The School is not responsible for providing a staff member to walk the service animal or to provide any care or assistance to the animal unless otherwise required by law.

The owner or handler of the service animal shall be solely responsible for:

- (a) supervision and care of the service animal, including feeding, exercising, clean-up, stain removal, and veterinary care; and
- (b) restraint of the service animal at all times.

### Liability

The owner or the handler of a service animal is liable for any and all damages to property or injuries to persons caused by the service animal.

### Removal or Exclusion of Service Animal

The School may deny a request for use of a service animal or ask an individual with a disability to remove a service animal from School property, a School vehicle, or a School function if:

- (a) the service animal is out of control and the service animal's handler does not take effective action to control it;
- (b) the presence of the service animal will require a fundamental alteration of the program or will significantly disrupt or interfere with the education process; or
- (c) the handler fails to submit proof of current licensing and/or vaccinations when the service animal is to be used regularly at the School.

If the service animal is properly removed or prohibited, the School will continue to give the individual with a disability the opportunity to participate in the School services, programs, or activities without having the service animal on the premises.

### Conflicting Disabilities

Individuals with disabilities that are adversely impacted by service animals should contact the Principal. Such individuals will be asked to provide documentation that identifies their disabilities and their need for accommodations. The Principal will strive to facilitate a process to resolve the situation in a manner that considers the conflicting needs and reasonable accommodations of the disabled individuals involved. However, the Principal may exclude the service animal if it poses a direct threat to the health or safety of others.

## **Sex Education Instruction Policy**

**Adopted: October 2, 2017 (Human Sexuality Instruction Policy)**

**Revised: November 4, 2019**

### **Policy**

The purpose of this policy is to ensure that the Sex Education Curriculum taught at Advantage Arts 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, or 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.

# **Sexual Abuse and Molestation Prevention Policy**

**Adopted: October 2, 2017**

**Revised: November 4, 2019**

## **Policy**

Advantage Arts Academy (the “School”) takes seriously the 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.

Sexual abuse takes the form of inappropriate sexual contact or interaction for the gratification of the actor who is in a position of responsibility with respect to the student. Sexual abuse includes sexual assault, exploitation, molestation or injury.

## **Reporting by School Personnel**

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 and Family Services. The law provides serious penalties for failure to fulfill one’s duty to report. School personnel and volunteers must comply with these provisions of Utah law and the School’s Child Abuse and Neglect Reporting Policy.

## **Reporting by Students and Parents**

Reports of sexual abuse should typically be made to the Principal, who is the designated individual to receive and investigate complaints of these matters. However, students and parents may make reports to any School employee, and that employee is responsible for conveying the report to the Administration or, if the report involves the Administration, to the Board of Directors. Reports may be made verbally, but all reports will be documented in writing.

## **Investigation & Follow Up**

The School takes allegations of sexual abuse involving School personnel seriously. Once an allegation is reported, the School will promptly, thoroughly, and impartially begin an investigation to determine whether there is a reasonable basis to believe that

sexual abuse has been committed. When it is appropriate considering the nature of the allegations, an internal team may conduct the investigation. However, when the report involves potentially criminal conduct, the School will refer the reports to law enforcement and cooperate fully with any investigation conducted by law enforcement or regulatory agencies.

The School reserves the right to place the subject of the investigation on an involuntary leave of absence, reassign that person to responsibilities that do not involve personal contact with individuals or students, or terminate employment.

To the fullest extent possible, but consistent with the legal obligation to report suspected abuse to appropriate authorities, the School will endeavor to keep the identities of the alleged victims and investigation subject confidential.

If the investigation substantiates the allegation, appropriate disciplinary actions will be taken, including but not limited to the termination of the actor's relationship with the School.

## **Signs of Abuse**

There are a number of red flags that suggest someone is being sexually abused. They take the form of physical or behavioral evidence.

Physical evidence of sexual abuse includes, but is not limited to:

- Sexually transmitted diseases;
- Difficulty walking or moving normally;
- Stained, bloody or torn undergarments;
- Genital pain or itching; and
- Physical injuries involving the external genitalia.

Behavioral signals suggestive of sexual abuse include, but are not limited to:

- Fear or reluctance about being left in the care of a particular person;
- Recoiling from being touched;
- Bundling oneself in excessive clothing, especially night clothes;
- Discomfort or apprehension when sex is referred to or discussed; and
- Nightmares or fear of night and/or darkness.

Additionally, adult perpetrators of abuse often display warning signs, including:

- Overly affectionate behavior such as prolonged hugging and touching;
- Engaging in nonprofessional behavior such as telling sexual jokes and sexual teasing; and
- Seeking to extend their contact with certain students beyond the day.

## **Retaliation Prohibited**

We prohibit any retaliation against anyone, including an employee, volunteer, board member, student or individual, who in good faith reports sexual abuse, alleges that it is being committed or participates in the investigation. Intentionally false or malicious accusations of sexual abuse are prohibited.

## **Screening Prospective Employees**

The School's administration must take reasonable effort when screening prospective School employees. In addition to conducting required criminal background checks, each applicant and former employer(s) of applicants should be asked, before an offer of employment is extended, whether the applicant has ever been investigated or accused of sexual misconduct.

## **Training**

The Administration will provide School personnel every other year with training and instruction on child sexual abuse prevention and awareness, including (a) responding to a disclosure of child sexual abuse in a supportive, appropriate, manner; and (b) the mandatory reporting requirements in the School's Child Abuse and Neglect Reporting Policy and Utah Code Sections 53E-6-701 and 62A-4a-403.

Administration will communicate this policy to personnel, volunteers, and students annually. Documentation of the communication of this policy will be maintained.



# Staff Code of Conduct Policy

Adopted: October 2, 2017

Revised: November 4, 2019

## 1. PURPOSE AND PHILOSOPHY

The Board of Directors of Advantage Arts 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 Principal 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 Principal; 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 Principal 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.

## **6. VIOLATIONS**

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

# Staff Grievance Policy

**Adopted: October 2, 2017**

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

## Purpose

The Board of Directors (“Board”) of Advantage Arts 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 will be used. The purpose of this policy is to ensure that staff members understand how to pursue the resolution of grievances, concerns and disputes involving other School employees.

The Board wishes to emphasize that the School is an at-will employer, and 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 must first address the issue with the other employee involved and work reasonably and in good faith to resolve the concern.

A staff member that is not able to resolve the dispute himself or herself may then raise the issue with the School’s Principal.

If a staff member’s complaint involves the Principal, the staff member must first address the issue with the Principal and work reasonably and in good faith to resolve the problem.

A staff member should not direct complaints to the Board unless and until he or she has worked in good faith to resolve the issues with the other individual and with the School’s Principal.

In the event the staff member and the Principal are unable to resolve a complaint 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 problem, and the requested solution. The Board will then consider the complaint and take whatever action it deems appropriate.

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 Conduct and Discipline Policy

Adopted: October 2, 2017

Revised: November 4, 2019

## 1. PURPOSE, BELIEFS, AND PHILOSOPHY

### 1.1 Purpose

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

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

The School will promote and require:

- student responsibility for learning and behavior in all grades;
- student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the School community;
- parents 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 School's Grievance Policy.

- Parents will be notified when students are involved in situations that are deemed to be serious.
- Parents and students will be notified of the expectations, possible consequences, and the procedures involved in this policy at the beginning of each school year.

## **2. ENVIRONMENT**

### **2.1 Safe School Environment**

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

### **2.2 Discrimination Prohibited**

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

## **3. DEFINITIONS**

### **3.1 Suspension**

For purposes of this policy, suspension is a temporary removal of a student from School and School-sponsored activities for a period of up to one (1) year. A student who is suspended may, at the 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 minor; (ii) a legally appointed guardian of a school-age minor; or (iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described above.

### **3.6 Qualifying Minor**

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

### **3.7 School Year**

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

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

### **4.1 Suspension**

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

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

[b] willful destruction or defacing of School property;

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

[d] possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah law;

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

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

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

[h] any criminal activity;

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

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

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

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

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

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

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

Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3; or

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

## **4.2 Expulsion**

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

## **4.3 Weapons – Mandatory Expulsion for One Year – Utah Code Ann. § 53G-8-205(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, using a real or lookalike weapon, explosive, or noxious or flammable material shall be expelled from all School programs and activities for a period of not less than one (1) year, subject to the following:

[a] Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (“**CMT**”), which shall be comprised of the 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 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.

## **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 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 § 78A-6-1203, including that it is a diversion program that provides an alternative disposition for cases involving juvenile offenders in which youth participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.

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

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

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

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

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

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

(iv) other evidence-based interventions created and developed by the School or other governmental entities as set forth in § 53G-8-211(3)(a)(v).

[b] if the alleged offense is a class B misdemeanor or a nonperson class A misdemeanor, the minor may be referred directly to the juvenile court by the Principal or the Principal's designee, or the minor may be referred to the alternative interventions described above. However, documentation of an alleged class B misdemeanor or a nonperson class A misdemeanor must be provided prior to referring the minor to the juvenile court.

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

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

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

- 7.1.1 Talking with the student;
- 7.1.2 Class schedule adjustment;
- 7.1.3 Phone contact with the parent or legal guardian;
- 7.1.4 Informal parent/student conferences;
- 7.1.5 Behavioral contracts;
- 7.1.6 After-school make-up time;
- 7.1.7 Short-term in-school suspension (ISS);
- 7.1.8 Short-term at-home suspensions;
- 7.1.9 Appropriate evaluation;
- 7.1.10 Home study;
- 7.1.11 Alternative programs; or
- 7.1.12 Law enforcement assistance as appropriate.

## **7.2 Parental Attendance with Student – Utah Code Ann. § 53G-8-207(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 hearing 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 Principal 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 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** uniform and equitable methods for at least annual data-based evaluations of efficiency and effectiveness;

**11.1.6** 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;

**11.1.7** procedures for ongoing training of appropriate School personnel in:

[a] crisis intervention training;

[b] emergency safety intervention professional development; and

[c] School policies related to emergency safety interventions consistent with evidence-based practice;

**11.1.8** policies and procedures relating to the use and abuse of alcohol and controlled substances by students;

**11.1.9** 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;

**11.1.10** direction for dealing with bullying and disruptive students;

**11.1.11** direction regarding the range of behaviors and 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;

**11.1.12** strategies to provide for necessary adult supervision;

**11.1.13** notice to employees that violation of this rule may result in employee discipline or action;

**11.1.14** gang prevention and intervention provisions in accordance with § 53E-3-509(1); and

**11.1.15** 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;

**11.1.16** procedures for responding to reports received through the School Safety and Crisis Line under § 53E-10-502(3).

## **11.2 Plan Consistent with this Policy**

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

## **12. EXTRACURRICULAR ACTIVITIES**

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

## **13. RE-ADMISSION OF EXPELLED STUDENTS AND DENIAL OF ADMISSION BASED ON PRIOR EXPULSION – Utah Code Ann. § 53G-8-205(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 Board of the removal of a student from School by law enforcement authorities.

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

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

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

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



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

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

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

### **15. INVESTIGATION OF CHILD ABUSE AND NEGLECT**

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

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

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

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

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

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

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

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

**15.3.2** To determine whether or not there is reason to believe that abuse or neglect has

occurred, professional School employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists.

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

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

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

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

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

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

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

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

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

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

#### **16.1.1 Student Lockers**

Students have no right or expectation of privacy in school lockers. While lockers are under the joint control of students and the School, lockers are solely School property and may be searched at any time by School officials with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 16.2 of this policy.

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

Searches of a student's person, personal property (coats, hats, backpacks, bookbags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction.

Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or student property is concealing items including but not limited to weapons, drugs, 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 Board and Principal Notification by Juvenile Court and Law Enforcement Agencies.**

**17.1.1** Within three (3) days of being notified by the juvenile court that a juvenile has been adjudicated or of being notified by a law enforcement agency that a juvenile has been taken into custody or detention for a violent felony, defined in Utah Code Ann. § 76-3-203.5, or an offense in violation of Title 76, Chapter 10, Part 5 Weapons, the President of the Board shall notify the Principal.

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

**17.1.3** Staff members receiving information about a juvenile's adjudication, arrest or

detention may only disclose the information to other persons having both a right and a current need to know.

## **17.2 Student Discipline Records/Education Records**

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

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

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

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

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

## **18. EMERGENCY SAFETY INTERVENTIONS**

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

### **18.1 Definitions**

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

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

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

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

## **18.2 General Procedures**

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

**18.2.2** An ESI shall:

[a] be applied for the minimum time necessary to ensure safety;

[b] implement an appropriate release criteria;

[c] be discontinued as soon as imminent danger of physical harm to self or others has dissipated;

[d] be discontinued if the student is in severe distress;

[e] never be used as punishment or discipline;

[f] be applied consistent with the School's administrative Student Conduct and Discipline Plan; and

[g] in no instance be imposed for more than 30 minutes.

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

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

**18.3.2** Additionally, ESIs written into a student's IEP as a planned intervention are prohibited unless school personnel, the family, and the IEP team agree less restrictive means which meet the circumstances described in R277-608-5 have been attempted; a Functional Behavioral Assessment has been conducted; and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

## **18.4 Physical Restraint**

**18.4.1** A School employee may, in accordance with Section 18.2.2 and when acting within the scope of employment, use and apply physical restraint as an ESI in self defense or as may be reasonable and necessary under the following circumstances:

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

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

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

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

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

[a] prone, or face-down;

[b] supine, or face-up;

[c] physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;

[d] mechanical restraint, except for seatbelts or safety equipment used to secure students during transportation, other appropriate protective or stabilizing restraints, and devices used by a law enforcement officer in carrying out law enforcement duties; or

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

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

## **18.5 Seclusionary Time Out**

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

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

**18.5.2** any door remains unlocked; and

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

## **18.6 Notification**

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

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

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

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

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

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

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

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

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

[b] at least one parent of a student enrolled in the School, appointed by the School's 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] create and communicate methods for evaluation of the efficiency and effectiveness of the Schools' rules and standards.

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



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

**18.7.5** The School shall submit all required UTREx discipline incident data elements to the State Superintendent of Schools 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 Data Privacy and Security Policy

**Adopted: October 2, 2017**

**Revised: October 1, 2018**

## Purpose

Advantage Arts Academy (the “School”) is responsible for protecting the privacy of student data and ensuring data security. The purpose of this policy is to describe how the School will perform this responsibility in compliance with state and federal law.

## Policy

The School will comply with state and federal laws regarding student data privacy and security, including but not limited to Chapter 9 of Title 53E of the Utah Code, Utah Administrative Code Rule R277-487, and the Family Educational Rights and Privacy Act.

Utah Code Ann. § 53E-9-301 *et seq.* requires the School to, among other things:

- (1) Adopt policies to protect student data;
- (2) Designate a student data manager;
- (3) Create, maintain, and publish a data governance plan;
- (4) Create, maintain, and publish a metadata dictionary;
- (5) Establish an external research review process for a request for data for the purpose of external research or evaluation;
- (6) Distribute and publish a student data collection notice; and
- (7) Require third-party contractors that receive student data from the School to enter into a contract with the School concerning, among other things, the third-party contractor’s collection, use, storage, and sharing of the student data.

## Student Data Manager

The School hereby designates the Principal as the School’s Student Data Manager. The Principal shall fulfill the responsibilities of a student data manager described in Utah Code Ann. § 53E-9-308 and rules adopted by the Utah State Board of Education. When appropriate, the Principal may delegate such responsibilities to another individual.

## Data Governance Plan

The Principal shall establish an administrative Data Governance Plan that complies with the requirements of Utah Code Ann. § 53E-9-301 *et seq.* and rules adopted by the Utah State Board of Education. The Data Governance Plan shall encompass the full life

cycle of student data, from acquisition, to use, to disposal, and shall, among other things:

- (1) Incorporate reasonable data industry best practices to maintain and protect student data and other education-related data;
- (2) Describe the role, responsibility, and authority of the School's data and security managers, employees and volunteers, educators, and other parties;
- (3) Provide for necessary technical assistance, training, support, and auditing;
- (4) Describe the process the School will follow in connection with sharing student data with third-parties, including appropriate third-party contractors;
- (5) Describe the School's data expungement process, including how to respond to requests that data be expunged;
- (6) Include the School's external research review process for a request for data for the purpose of external research or evaluation; and
- (7) Describe actions the School will take to prevent data breaches as well as the response process the School will follow in the event of a data breach.

The Data Governance Plan shall work in conjunction with this policy, the School's metadata dictionary, and any other School policy or administrative procedure or plan concerning student data privacy and security.

The Data Governance Plan shall be published as required by Utah law and rules adopted by the Utah State Board of Education.

### Metadata Dictionary

The Principal shall ensure that the School creates, maintains, and publishes a metadata dictionary in accordance with Utah Code Ann. § 53E-9-301 *et seq.* and rules adopted by the Utah State Board of Education.

### **Training**

On an annual basis, the School shall provide appropriate student data privacy training to its employees, aides, and volunteers who are authorized by the School to have access to education records as defined in the Family Educational Rights and Privacy Act.

## **Student Education Plan Policy**

**Adopted: November 4, 2019**

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

Advantage Arts 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 in accordance with Utah law.

The School’s Principal shall establish administrative procedures to help the School implement individual learning plans consistent with Utah Code § 53E-2-304(2)(b).

# Test Administration Policy

Adopted: October 2, 2017

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

## Policy

Advantage Arts Academy (the “School”) places a high value on ethics and integrity and expects students and staff to demonstrate these characteristics. Accordingly, the School recognizes the importance of fair and ethical test administration. The School’s Principal will therefore ensure that all required procedures are implemented in order to ensure that all state-mandated tests are administered in an ethical manner.

# Travel Policy

**Adopted: October 2, 2017**

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

## Purpose

The purpose of this policy is to establish procedures for authorization of travel by employees or board members of Advantage Arts Academy (the "School") who may be required to travel to fulfill their official duties or to attend seminars, conferences or other professional or educational activities benefiting the School.

## Policy

1. This policy applies to all travel by employees and Board members on School-related business, whether or not overnight stay is required. This policy does not apply to field trips or other School-sponsored activities involving students.
2. Travel by campus-level employees must be approved in advance by the Principal. Travel by the Principal or Board members must be approved in advance by the Board of Directors.
3. All travel requests must be submitted at least three (3) weeks prior to departure date and prior to making any arrangements. Travel requests must explain the purpose of the travel and, where applicable, include the conference registration materials, proposed hotel accommodations, and approximate airfare. Flight reservations will be made by the School's Management Company.
4. Per Diem expenses will be paid for all approved travel events that are more than 100 miles from the School. The per diem will be paid to the traveler by check no less than 48 hours prior to departure date.
  - a. Out-of-State per diem of \$65 per day will be paid as follows: \$40 for dinner, \$15 for lunch, and \$10 for breakfast.
  - b. In-State per diem of \$50 per day will be paid as follows: \$25 for dinner, \$15 for lunch, and \$10 for breakfast.
5. Reasonable and necessary ground transfer and mileage rate expenses will be reimbursed based on receipts submitted for such expenses. The traveler must provide receipts for all expenses for which reimbursement is sought.
6. Mileage will be reimbursed at the standard IRS mileage reimbursement rates in effect at the time. However, mileage for travel to and from an event will not be

reimbursed in an amount greater than the lowest cost airfare that could reasonably be obtained for travel to and from the event.

7. Hotel accommodations will be approved for the number of days a conference is in session, less one. One additional night of hotel accommodations will be approved when an additional travel day is required prior to a conference. A second additional night of hotel accommodations is approved when an additional travel day is required after the conference concludes. Other additional days of hotel accommodations will be allowed only when approved in advance of the conference by the Principal or the President of the Board of Directors.

# Trust Land Council Policy

**Adopted: October 2, 2017**

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

## Policy

Advantage Arts Academy (the “School”) will form a Trust Land Council in accordance with this Policy and applicable laws.

Each Council will have either 6 or 7 members, as determined by the Principal. Each Council must have a two-person majority of elected parents or guardians of students attending the School.

The Principal will serve on the Council and may identify and select the other non-parent/guardian member of the Council from the faculty and staff.

The Principal will solicit nominations from the parent body for the parent/guardian members of the Council. In the event insufficient nominations are received, the Principal will nominate parent/guardians to serve on the Council. The Principal will ensure that elections of the parent/guardian members of the Council are held before October 20<sup>th</sup> each school year in any reasonable manner determined by the Principal. Parent/guardian members of the Council will serve up to two-year terms.

The Council will elect one of the parent/guardian members as the chair of the Council.

The Council will operate in accordance with applicable laws in the development and submission of the School’s plan, including but not limited to compliance with the Utah Open and Public Meeting Act. The plan must be consistent with and supportive of the School’s charter and mission. The School’s Board of Directors will approve the plan developed by the Council.