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Board Legal Status

Body corporate—

As provided by Utah law, the Board of Education of [insert name of district adopting the policy] is a body corporate and has an official seal conformable to its name. A "body corporate" is a public corporation and legal subdivision of the state, vested with the powers and duties of a government entity.

Utah Code § 53G-4-401 (2019)

Political subdivision of the State of Utah—

The Board of Education of [insert name of adopting district] School District is a political subdivision of the State of Utah.

Utah Constitution, Article XI, Section 8

Number of school board members—

[Option 1, for Districts which currently have 5 member boards]

The Board of Education of [insert name of adopting district] School District consists of five members. If the student population of the District hereafter increases to 10,000 or more students, as reported to the State Board of Education in the October 1 student count, the number of members on the Board shall increase to seven members and shall remain at seven members despite subsequent decreases in student population.

Utah Code § 20A-14-202(1) (2022)

[Option 2, for Districts which currently have 7 member boards]

The Board of Education of [insert name of adopting district] School District consists of seven members. If the student population of the District hereafter increases to 50,000 or more students, but less than 100,000 students, as reported to the State Board of Education in the October 1 student count, the Board of Education may increase the number of members on the Board to nine members by action approved by a majority of the Board.

If the student population of the District hereafter increases to 100,000 or more students, as reported to the State Board of Education in the October 1 student county, the number of members on the Board shall increase to nine members.

If the membership of the Board of Education has been increased to nine members, it will remain at nine members despite subsequent changes in student population.

Utah Code § 20A-14-202(1) (2022)

[Option 3, for Districts which currently have 9 member boards]

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The Board of Education of [insert name of adopting district] School District consists of nine members.

Utah Code § 20A-14-202(1) (2022)

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Board Legal Status:
Powers and Duties

Promote education—

The Board has the legal power and duty to do all things necessary for the maintenance, prosperity and success of the schools and for the promotion of education and to exercise all powers given by statute. The Board's legal powers and duties include the actions set forth in this policy but are not necessarily limited to the listed powers and duties.

Utah Code § 53G-4-402(20) (2021)

Govern—

The Board of Education recognizes that under Utah law "it is the province of the Board of Education to determine what things are detrimental to the successful management, good order, and discipline of the schools and the rules required to produce" successful management, good order, and discipline in the schools.

Beard v. Board of Education, 16 P.2d 900 (Utah 1932)

Adopt rules—

Adopt such policies, regulations, and bylaws as the Board deems proper for the operation of the Board and for the control and management of the District's schools.

Utah Code § 53G-4-402(14), (15) (2021)

Levy taxes—

Establish tax rates each year and submit the proposed rate to the county legislative body in which the District is located according to statutory procedures:

Utah Code § 53F-8-201 (2019)
Utah Code § 53F-8-401 (2018)
Utah Code § 53F-8-202 (2018)
Utah Code § 53F-8-402 (2019)

Annual budget—

Prepare, adopt, and file a budget for the next succeeding fiscal year with the county legislative body in which the District is located as required by statute.

Utah Code § 53F-8-201 (2019)

Bequests—

Receive bequests and donations or other monies or funds which are made for educational purposes.

Utah Code § 53G-4-402(12) (2021)

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Acquisition and ownership of property—

Acquire and hold real and personal property in the name of the District, inclusive of all rights and titles, and lease and lease with an option to purchase property. The Board of Education has the direction and control of all school property in the district.

Utah Code § 53G-4-401(4) (2019)

Eminent domain—

Exercise the right of eminent domain to acquire property.

Board of Education of South Sanpete School District v. Barton, 617 P.2d 347 (Utah 1980).
Olsen v. Board of Education of the Granite School District, 571 P.2d 1336 (Utah 1977).

Employ personnel—

Employ by contract a Superintendent, Business Administrator, Principal(s), teacher(s), or other executive officer(s) and set salary schedules therefor.

Utah Code § 53G-11-202 (2018)
Utah Code § 53G-4-301 (2018)
Utah Code § 53G-4-302 (2012)

Close schools and change school boundaries—

Close schools or suspend operation of schools or change school attendance area boundaries as determined to be appropriate by the Board of Education after appropriate public notice and hearing as required by statute.

Allen v. Board of Education Weber County School District 236 P.2d 756 (Utah 1951)
Save Our Schools v. Board of Education of Salt Lake City, 2005 UT 55
Utah Code § 53G-4-402(21) (2021)

Sue and be sued—

Sue and be sued in the name of the District.

Utah Code § 53G-4-401(4) (2019)

Fulfill other statutory duties and exercise other statutory powers—

The Board also has the duty to comply with such other duties as are set forth in the laws and regulations of Utah and the United States, and also may exercise the powers and authorities established by such laws and regulations.

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Board Legal Status:
Fiscal Responsibilities

Approval of Fiscal Policies and Procedures—

The Board shall approve written fiscal policies and procedures as required by State Board of Education rule. (*See* Policy CAG.)

Utah Admin. Rules R277-113-6(1)(a) (November 8, 2021)

Oversight of District Internal Control System—

The Board shall ensure, considering guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States or the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission, that District administration establishes, documents, and maintains an effective internal control system for the District.

Utah Admin. Rules R277-113-6(1)(b) (November 8, 2021)

Review of Financial Matters—

The Board shall develop a process to regularly discuss and review District (1) budget and financial reporting practices, (2) financial statements and annual financial and program reports, (3) financial position, (4) expenditure of restricted funds to ensure District administration is complying with applicable laws, regulations and award terms and conditions, and (5) systems and software applications for compliance with financial and student privacy laws.

Utah Admin. Rules R277-113-6(1)(c) (November 8, 2021)

Audit Review—

The Board shall receive the results of required annual audits from the external auditor as required by Utah Admin. Rules R123-5-5.

Utah Admin. Rules R123-5-5 (November 1, 2017)
Utah Admin. Rules R277-113-6(1)(d) (November 8, 2021)

Procurement and Contract Oversight—

The Board shall oversee procurement processes, including reviewing the scope and objectives of District contracts or subawards with entities that provide business or educational services to the District and receiving reports regarding the compliance and performance of entities with contracts or subawards with the District. The Board shall also ensure that the procurement process for the District's external auditor complies with Utah Admin. Rules R123-5-4. The Board shall also ensure that District administration implements sufficient internal controls over the functions of entities with contracts or subawards to perform services on behalf of the District.

Utah Admin. Rules R277-113-6(1)(e), (f), (g) (November 8, 2021)

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Board Hotline—

The Board shall establish and maintain a hotline that stakeholders can use to report concerns of fraud, waste, abuse, or non-compliance. This hotline shall be independent from District administration. The District website and each school's website shall have posted, in a readily accessible location, a hotline phone number, a hotline email, or an online complaint form. (The District website and each school's website may also post, in a readily accessible location, a link to contact information for the Board's hotline.)

Utah Admin. Rules R277-113-6(2) (November 8, 2021)

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Board Members:
Eligibility and Qualifications

General qualifications—

Each board member must

1. Be and remain a registered voter in the District;
2. Maintain his or her primary residence within the local school board district from which the member is elected or appointed; and
3. Take and sign the constitutional oath of office:
   a. "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of Utah, and that I will discharge the duties of my office with fidelity."

Utah Constitution Art. IV, Sec. X
Utah Code § 53G-4-201 (2019)
Utah Code § 20A-14-202(3) (2022)

After the board member has taken and signed the oath of office, the oath shall be filed with the business administrator of the District.

Utah Code § 52-1-6 (1953)

Conflict of interest—

A member of the Board of Education may not, during the member's term of office, also serve as an employee of the Board.

Utah Code § 20A-14-202(4) (2022)

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Board Members:
Student Members

Appointment of student member of board upon student petition—

Upon receipt of a qualifying student petition, the Board of Education may appoint a nonvoting student member to the Board in addition to the regular members authorized by law.

Utah Code § 20A-14-206(1), (3)(a) (2018)

Requirements for petition—

To qualify, the petition shall have the signatures of:

1. At least 500 students regularly enrolled in high school in the District; or
2. At least 10% of the number of students regularly enrolled in high school in the District, whichever is less.

Utah Code § 20A-14-206(2) (2018)

Term of office—

A student member's term is for one year, beginning on July 1 and ending the following June 30.

Utah Code § 20A-14-206(3)(b) (2018)

Student member qualifications—

To be qualified, a student board member shall be enrolled in a high school in the District and may be under 18 years of age.

Utah Code § 20A-14-206(4) (2018)

Student member participation—

A student member has the right to participate in all open board meetings.

Utah Code § 20A-14-206(5) (2018)

Entitlement to expense allowances—

A student board member is entitled to expense allowances granted other board members under Section 53G-4-204.

Utah Code § 20A-14-206(6)(a) (2018)

Immunity for acts of board—

A student member is not liable for any acts of the governing board.

Utah Code § 20A-14-206(6)(b) (2018)

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BBB

Board Members:
Elections and Redistricting

Term—

The term of office for an elected member shall be four years, except as required because of reapportionment as set forth below, and begins on the first Monday in January following the election.

Utah Code § 20A-14-203(2) (2022)

Candidacy—

An individual may become a candidate for election to the Board by filing a declaration of candidacy with the county clerk during the period beginning on January 2 of the year in which the next regular general election is held (or if January 2 is on a weekend, the first business day after January 2) and ending at 5 p.m. on the fourth business day after the day on which the period begins and paying the fee described in Utah Code § 20A-9-202.

Utah Code § 20A-14-203(1) (2022)
Utah Code § 20A-9-201.5 (2022)

Elections—

[Option for 5 member boards] No more than three (3) members may be elected to the board in any election year, unless otherwise required as a consequence of redistricting, as set forth below, or to fill a vacancy by election under Policy BBC.

Utah Code § 20A-14-202(1)(h) (2022)

[Option for 7 member boards] No more than four (4) members may be elected to the board in any election, unless otherwise required as a consequence of redistricting, as set forth below, or to fill a vacancy by election under Policy BBC.

Utah Code § 20A-14-202(1)(h) (2022)

[Option for 9 member boards] No more than five (5) members may be elected to the board in any election year, unless otherwise required as a consequence of redistricting, as set forth below, or to fill a vacancy by election under Policy BBC.

Utah Code § 20A-14-202(1)(h) (2022)

Redistricting does not cut short board member terms—

Redistricting does not affect the right of any school board member to complete the term for which the member was elected.

Utah Code § 20A-14-201(5) (2022)

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Representation of school board districts after redistricting—

1. If after redistricting only one board member whose term extends beyond redistricting lives within a local school board district, that board member shall represent that school board district.
2. If after redistricting two or more members whose terms extend beyond redistricting live within a local school board district, the members involved shall select one member by lot to represent that school board district.
   a) The other members shall serve at-large for the remainder of their terms.
   b) Notwithstanding the number of board members otherwise established by law, the at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.
3. If after redistricting there is no board member living within a local school board district whose term extends beyond redistricting, the seat for that school board district shall be treated as vacant and filled as provided in policy BBC.

Utah Code § 20A-14-201(6) (2022)

Adjustment of term lengths because of redistricting—

If, before an election affected by redistricting, the county or municipal legislative body that conducted the redistricting determines that one or more members must be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the local school board districts will elect members to two-year terms and which will elect members to four-year terms. All subsequent elections are for four-year terms.

Utah Code § 20A-14-201(7) (2022)

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Board Members:
Vacancies on the Board

Appointment—

A local school board shall fill vacancies on the Board by appointment, except where an election to a two-year term is required as set forth below. Unless the vacancy occurs because of the death of a board member, the Board must fill the vacancy within 30 days after it occurs, or the county legislative body or municipal legislative body shall fill the vacancy by appointment. When the vacancy occurs due to the death of a board member, the Board must fill the vacancy within 45 days after it occurs, or the county legislative body or municipal legislative body shall fill the vacancy by appointment.

Utah Code § 20A-1-511(1) (2020)

Interim appointment followed by election for two-year term—

In the event a vacancy on the Board occurs, or a letter of resignation is received by the Board, at least 14 days before the deadline for filing a declaration of candidacy for the Board, and at least two years of the vacated term will remain after the first Monday of January following the next school board election, then the vacancy on the Board shall be filled by an interim appointment for the remaining unexpired term, which term shall be followed by an election to fill a new two-year term for that Board position.

Utah Code § 20A-1-511(2) (2020)

School board to provide notice of pending appointment and interview candidates—

Before appointing an individual to fill a vacancy, the Board shall give public notice of the vacancy and the pending appointment. This public notice shall:

1. Be given at least two weeks before the Board meeting where the vacancy will be filled;
2. Inform the public of:
    a. The date, time, and place of the Board meeting at which the vacancy will be filled; and
    b. The person to whom and date and time before which an interested individual may submit his or her name for consideration for appointment to fill the vacancy.

In an open meeting, the Board shall interview each individual whose name is submitted for consideration and who meets the qualifications for office, regarding the person's qualifications.

Utah Code § 20A-1-511(3) (2020)

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Appointment pending effective resignation of Board member—

Where a Board vacancy will occur because a member has submitted a letter of resignation to the Board, the Board may make an appointment to fill that vacancy before the vacancy occurs (before the effective date of the resignation). However, the individual so appointed may not take office until on or after the day on which the vacancy occurs. After the Board has made the appointment to fill the pending vacancy, the member may not rescind the letter of resignation which led to the appointment.

Utah Code § 20A-1-511(4) (2020)

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Board Members:
Code of Ethics

As a school board member:

1. I will be a staunch advocate of free public education.
2. I will uphold and enforce all laws, state board rules and regulations and court orders pertaining to schools. Desired changes should be brought about only through legal and ethical procedures.
3. I will make decisions in terms of the educational welfare of children and will strive for public schools which can meet the individual needs of all children regardless of their ability, race, sex, creed or social standing.
4. I will join with my fellow members on the board, the staff, the community and the students in continuing study of the nature, value and direction of contemporary education in our society in order to facilitate needed change in our schools.
5. I will work unremittingly to help the people of my community understand the importance of public education and the need to support it.
6. I will strive to ensure that people are accurately informed about our schools, and I will try to interpret to the staff the aspirations of the community for its schools.
7. I will recognize that my responsibility is not to run the schools, but, together with my fellow board members, to see that they are well run.
8. I will confine my board action to policy making, planning and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.
9. I will arrive at conclusions only after discussing all aspects of the issues at hand with my fellow board members assembled in meeting.
10. I will recognize that authority rests with the whole board assembled in legally authorized meetings and will make no personal promises nor take any private action which may compromise the board.
11. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
12. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools.
13. I will vote to appoint, upon proper recommendation by the appropriate administrative officer, the best trained technical and professional personnel available.

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14. I will support and protect school personnel in proper performance of their duties.
15. I will refer all complaints to the chief administrative officer and will act on such complaints at legally authorized meetings only after failure of an administrative solution.

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Board Members:
Code of Ethics

Resolution—

WHEREAS, Public education is deemed of primary importance to the strengths, freedom and well-being of our community, state, and nation; and,

WHEREAS, School board members are entrusted with the responsibility of providing a quality public education for all students within their respective communities; and,

WHEREAS, Public involvement, confidence and support of the School Board is deemed essential to enable the Board to achieve its purpose and goals; therefore be it

RESOLVED, In order to encourage all boards of education to act in accordance with high professional and legal standards, the Board of Education of the _____ School District hereby establishes a Code of Ethics for School Board Members acting as members of the Board or in unison with other boards of education in the policy-making functions of the public schools in the State of Utah.

Obligations—

As an individual board member, I will do my best:

- To fulfill my personal and legal responsibilities to my community, my state and my fellow board members;
- To strive for public schools which can meet the individual needs of all children;
- To seek the true facts in each situation and to vote my honest conviction in every case, unswayed by any personal or partisan bias;
- To abide by the final decision of the board;
- To remember that as an individual I have no legal authority outside the authorized legal meetings of the board, and to conduct my personal relationships with the school staff, community, and news media on the basis of this fact;
- To avoid any conflict of interest or use of board membership for personal gain or publicity; and,
- To strive to be an effective, informed school board member dedicated to public education.

Competency—

Personal Improvement:

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- School board members shall continually seek to improve their mental skills, including study, preparation and planning to enable themselves to better serve their communities.

Involvement:

- The Board and all its members shall be involved and knowledgeable about not only local community education concerns, but also state and national concerns and shall know and be aware that involvement beyond the local community is essential to a strong and productive public educational commitment.

Basic principles and procedures—

Policies:

- Shall be in written form and reviewed regularly by the Board.

Administrative functions:

- Shall be delegated by the Board to the Superintendent or other appropriate administrative staff.

Goals:

- Shall be adopted, evaluated and reviewed on a regular basis by the Board with advice of the Superintendent.

Evaluation of staff:

- A procedure should be established for the evaluation of performance of all staff; the Board's primary concern should involve the Superintendent; and the Superintendent's primary concern should be his or her subordinates.

Communications:

- Shall be encouraged with all parts of the community.

Complaints:

- Shall be acknowledged and received by the Board with procedures devised to resolve them.

Professional growth:

- Shall be encouraged by the Board for all its staff; including in-service training.

Fiscal responsibility:

- Shall be adhered to and any budget to be adopted shall not result in a deficit, unless permitted by the law.

Civil rights

- Shall be upheld, and the concept of affirmative action shall be encouraged.

Student rights

- Shall be recognized without discrimination and in accordance with due process of law.

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Board Members:
Compensation and Expenses

[Note: H.B. 234, enacted in the 2007 legislative session, amended the law to remove the previous specific limitations on Board member compensation, but did not invalidate existing Board compensation schedules. If a Board of Education enacts a new compensation schedule or amends an existing schedule after July 1, 2007, the hearing procedure set forth below must be followed. Because the new law removes the prior restrictions, the specific provisions of this model policy are permitted, but not required by the law (except for the hearing procedures, which are mandatory).]

Compensation—

Each member of the Board of Education, except any student member, shall receive an amount not to exceed $_____ per year, payable monthly, as compensation for services.

Health insurance benefit—

Each member of the Board of Education, except any student member, shall be eligible to participate in the district's health insurance programs during the term of service as a Board member. Board members, except any student member, may receive the same health insurance benefit as a full-time certificated employee.

Member expenses—

Reimbursement to board members for travel expenses for attendance at regional, state, or national conventions, conferences, and workshops shall be made by the District when attendance is authorized and deemed by the Board to be necessary or desirable in carrying out the educational functions of the District; each member shall submit an itemized account of necessary travel expenses for Board approval. Such activities may not exceed 12 per year. Such travel expenses shall be reimbursed at the rates established by the State Division of Finance for members of the State Board of Education.

Board members shall also be compensated for necessary expenses incurred by them on behalf of the School District in the discharge of their duties as board members.

Utah Code § 53G-4-204(5) (2021)
Utah Code § 53E-3-202(3) (2019)

Public hearing for adoption or revising compensation schedules—

Beginning on July 1, 2007, before adopting a new Board member compensation schedule or amending an existing schedule, the Board shall first hold a public hearing on the proposed compensation schedule or schedules at which all interested persons shall be given an opportunity to be heard.

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In addition to satisfying the notice requirements for an open Board meeting, the Board shall also meet the specific notice requirements for a public hearing on Board member compensation (see Policy BEA).

Utah Code § 53G-4-204(2), (3) (2021)

Non-member expenses—

The Board may not pay the travel expenses of spouses and other persons who have no responsibilities or duties to perform for the Board when they accompany Board members to Board-related activities.

Student member expenses—

Any student board member is not compensated for services but is entitled to expense allowances granted other Board members under this Policy.

Utah Code § 20A-14-206(6)(a) (2018)

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Foundations and Basic Commitments:
District Mission Statement

Mission Statement—

The mission of the District is to provide comprehensive, success-oriented learning activities for young people in our schools.

These opportunities must be designed to develop the person's potential in the areas of academic ability and vocational awareness, cultural appreciation, physical well-being, social development, and community contribution.

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Foundations and Basic Commitments:
District Belief Statements

Students—

We believe:

- Every student will be educated academically and socially so as to be a productive citizen.
- All students will have equal educational opportunities to achieve their individual potential.
- We have something to offer every student.
- Each student is unique.
- Successful education depends on parental commitment to education.

Teachers—

We believe:

- Teachers are the foundation of a strong educational system.
- Teachers will maintain high expectations for themselves and their students.
- Teachers should serve as positive role models for students.
- Teachers will actively seek parent support and involvement.

Principals—

We believe:

- A principal is the instructional leader of the school.
- A principal is the facilitator for a positive learning environment.
- A principal actively seeks parent support and involvement.
- A principal serves as a liaison between school and community.
- A principal maintains high expectations for students and staff members.

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Superintendent—

We believe:

- The Superintendent is the leader, implementer, and facilitator of a successful School District.
- The Superintendent promotes and upholds the positive educational climate of the School District.

Management Principles—

We believe:

- In human beings as the single most important element in all transactions.
- In behaving with uncompromising honesty and integrity.
- In challenging people to experience their full potential so each individual contributes to educational excellence.
- In reaching quality decisions through the involvement of people.
- In establishing priorities that respond to the needs of our students, staff members, and community, and serve as the driving force behind all of our actions.
- In focusing on excellence in everything we do.

Board of Education—

We believe:

- Students are the number-one priority.
- The Board conveys the educational needs and desires of the community to the District and establishes policies accordingly.
- The Board maintains high expectations for the District and themselves in working toward excellence.

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Foundations and Basic Commitments
District Educational Philosophy

Philosophy—

The District was established by the state legislature, under the authority contained in the Utah State Constitution, for the sole purpose of providing an education to the students of the District. While the establishment of the District also provides other services, such as caring for students during the school day, providing employment to the school staff, and providing facilities for the use of the community, all of these services are necessarily subordinate to the District's prime function of providing an education to students. The Board of Education is elected by the citizens of the community to ensure that this responsibility is accomplished. However, the Board recognizes that it cannot accomplish this objective unless all of the sectors of the school community also accept and perform their responsibilities. The Board considers the responsibilities of these elements of the school community to be essential:

- Students
  - Education is an opportunity provided to the children of the District by their community. The Board expects that all students will learn to recognize the value of this opportunity and will therefore work diligently to help ensure that their maximum potentials are realized. The Board further expects that all students will recognize that their fellow students have the right to be educated and will avoid any action that may interfere with their ability to exercise that right.
  - The Board believes that education should develop habits, attitudes, understanding, and skills necessary for a productive, satisfying life in society. Students should be taught to understand the duties and privileges of responsible citizenship as such duties and privileges relate to themselves as individuals and to the whole community. The vast changes brought about by increasing technology, population, and urbanization must also be taught. The input and support of the citizens of the community, and especially the professional staff, are solicited as the school community endeavors to develop the attitudes and abilities demanded in this age of rapid change.
- Staff
  - The Board fulfills its responsibility for the education of students by employing first a competent Superintendent, on whose recommendation it also employs a competent staff. As a condition of this employment, the Board expects each staff member's best efforts to be exerted toward the accomplishment of the educational objectives of the District. Because education is imparted primarily by teachers, the Board specifically places

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responsibility for maintaining and expanding educational ability on each teacher, to the end that each student may reach maximum potential and develop a sense of dignity and self-worth.

- Parents
  - The Board recognizes that the ultimate responsibility for the well-being of all children rest with their parents. All parents are expected to participate in the District's educational effort by ensuring maximum attendance of their children, by assuring that their children cooperate in the educational endeavor of the District, and by fostering an attitude in their children that recognizes the importance of education and life-long learning.
- Community
  - The resources necessary to provide education for students are provided by members of the community through their taxes and other supporting services. The Board's goal is that all members of the community, both individually and through their governmental, civic, and social organizations, will continue to support the educational activities of the District.

In consideration of the accomplishment of these responsibilities by each sector of the school community listed above, the Board of Education, with the concurrence of each individual board member, pledges its best efforts to ensure that the District is governed effectively and efficiently so that the goal of an appropriate and outstanding educational experience is available for all students of the District.

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Board Internal Operation

Elections of board president and vice president—

The Board of Education shall elect a president and a vice president whose terms of office are for two (2) years and until their successors are elected.

The elections shall be held during the first board meeting in January following a regular Board election held in the District.

Utah Code § 53G-4-203(1), (2) (2019)

Removal from office—

An officer appointed or elected by the Board may be removed from office for cause by a vote of two-thirds of the Board.

Utah Code § 53G-4-203(3) (2019)

Vacancy—

When a vacancy occurs in the office of president or vice president of the Board for any reason, the Board shall elect a replacement for the unexpired term.

Utah Code § 53G-4-203(4) (2019)

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Board Internal Organization:
Other Officers

Other officers—

The Board of Education may appoint other necessary officers who serve at the pleasure of the Board.

Qualify by taking oath of office—

These officers shall qualify by taking and signing the constitutional oath of office before assuming office.

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of Utah, and that I will discharge the duties of my office with fidelity."

Utah Constitution Art. IV, Sec. X
Utah Code § 53G-4-304 (2019)

After the officer has taken and signed the oath of office, the oath shall be filed with the business administrator of the District.

Utah Code § 52-1-6 (1953)

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President of the Board:
Duties

Duties generally—

The president of the Board of Education shall preside at all meetings of the Board, appoint all committees, and sign all warrants ordered by the Board to be drawn upon the business administrator for school moneys.

Utah Code § 53G-4-205(1) (2019)

Presiding officer—

Duties as presiding officer:

1. Call the Board into session.
2. Conduct Board meetings.
    a. Declare the opening of meetings
    b. Determine order of business according to Board policy.
    c. Recognize claimants to the floor.
    d. Rule on admissibility of business.
        i. Declare motions in or out of order.
        ii. Declare, subject to overriding, the propriety of the Board's considering specific items of business.
        iii. Declare, subject to overriding, specific items of business in or out of the Board's province of action.
    e. Within limits of Board policy, control extent of discussion.
        i. Declare, subject to overriding, discussion closed whenever comment becomes repetitious, dilatory, or no longer pertinent to the point at issue.
        ii. Declare discussion closed whenever time limits previously determined by Board action have been reached.
    f. Maintain the dignity of the Board in session.
        i. Apply the rules of parliamentary procedures.
        ii. Restrain debate within bounds of good taste and courtesy.
        iii. Provide equal opportunity for expression of opposing points of view.
        iv. Within limits of Board policy, secure the rapid handling of Board business.

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v. Rule out of order all action and comment unbecoming a legislative body in session.

g. Declare the results of Board voting.

i. Declare the passage or non-passage of motions.

ii. Declare for the record the identities of members (including the president) voting aye and nay and of those not voting.

h. Ensure the legal recording of Board business.

i. Declare Board decisions to the secretary of the Board of Education

ii. Make inquiry of the secretary or make investigation of the record as to the rate of progress of note-taking with respect to the Board's dispatch of business.

i. Increase efficiency in Board meeting procedures.

j. Declare the meeting adjourned.

3. Ensure proper keeping of Board records and supplies.
4. Sign as president of the Board official copies of minutes and other Board documents.
5. Secure the legality of Board action, procedures, meetings, and membership.
6. Receive for the Board all delegations and petitions.
7. Issue, subject to Board approval, official statements of Board action and policy.

Duties regarding other Board members—

Duties in relation to other Board members:

1. Lead discussion in Board meetings.

a. Cause topics for discussion to be listed and given to all members prior to meetings.

b. Stimulate participation of all members in discussion.

c. Keep discussion to the point.

d. Ensure discussion of all important phases of each problem considered.

e. Ensure the full employment of special abilities of individual Board members in the carrying on of Board business.

f. Draw discussion toward an authorization or directive of action or toward a statement of policy.

2. Guard the rights of expression and freedom of action of all Board members.

a. Maintain democratic procedures in all Board sessions.

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b. Protect minority opinion.

c. Ensure fair hearing for all points of view.

d. Secure Board respect for expression of dissenting opinion.

e. Prevent, within Board policy, termination of discussion of any problem until each member has expressed an opinion or has indicated willingness to have discussion ended.

f. Rule impartially on arguments turning on judgments of the presiding officer.

g. Prevent decision-shaping influences upon Board members other than those in free, thorough, and democratic discussion in Board meetings.

h. Refrain from discussing elements of Board deliberations outside of Board meetings except when the public interest requires an official statement.

i. Hold that all decisions and actions of the Board are of all members until such decisions and actions are disavowed by a majority vote in legal session of the board.

j. Ensure the authorizing, conducting, and reporting of all Board business in legal sessions of the Board.

k. As presiding officer, ensure the good order of meetings with courtesy, tolerance, sincerity, and mutual respect evidenced in members' relations with one another.

3. Induct new members.

   a. Determine the legality of the membership claimed.

   b. Declare the seating of the new member.

   c. Express the official welcome of the Board.

   d. Introduce the new member to other Board members, the superintendent of schools, and other school personnel.

   e. Provide informative materials concerning the school system, school district organization, Board practices and policies, duties of Board members, legal authorizations and compulsions, educational programs of the schools, current problems of the Board, and sources of information aiding in decision making in school board deliberations.

   f. Make accessible all records of Board business.

   g. Provide, according to Board policy, equipment such as binder covers for official copies of Board documents, Board membership list, school directory and calendar, school district map, population charts, statements of Board policy, state school code, books and magazines, notebooks, and file folders.

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   h. Arrange tours of observation through the school system for new members.

4. Promote good relations with other school boards.
   a. Secure the exchange of information.
   b. Encourage reciprocal visiting of board meetings and school plants.
   c. Assist in developing area meetings of members of school boards.
   d. Ensure the representation of the Board of Education by Board members at county, state, and other meetings.
   e. Participate in planning for the general improvement of educational opportunity.
5. Maintain the preeminence of worthy educational objectives in all school board activities.
   a. Ensure long-range planning of activities toward the accomplishment of educational objectives.
   b. Secure the continual informing of the Board by the staff on programs and problems in education.
   c. Draw upon the staff for assistance in Board deliberations.
   d. Evaluate all proposals in the light of their relation to the accomplishment of worthy educational objectives.
   e. Bring about the expression of community needs in education.
6. Cause the development and execution of a long-range plan of school improvement and Board action.
7. Secure the adoption of codes of ethics governing the Board of Education.
8. In the public interest, expose and eliminate any instances of unethical conduct of any Board members.

Duties regarding staff—

Duties in relation to the certified and classified staff of the District:

1. Represent the Board in official relations of the Board with the certified and classified staff.
2. Make official representations of the Board to the staff through the executive officers of the school system.
3. Accept representations of the staff through the executive officers of the school system.
4. Require the filing of school reports to the Board according to Board policy.
5. Make, as a Board member, tours of observation of the school system.

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6. Make as the Board president, with the full Board or an authorized committee, tours of inspection annually.
7. Respect professional codes of ethics and demand their observance.
8. Observe codes of ethics for Board members in all relations with the certified and classified staff.
9. Secure the academic freedom and personal liberties of individuals of the school staff.
10. Require the observance of contractual provisions.
11. Secure Board adoption of equitable policies of employment, retention, promotion, and release of personnel.
12. Maintain the preeminence of pupil and student welfare over Board and staff welfare, comfort, and convenience.
13. Require, through Board cognizance of school operation, high standards of service of school personnel.
14. Draw fully on the ability of the staff for assistance to the Board in improving the entire school organization.

Duties regarding the local community—

Duties in relation to the community:

1. Represent as Board member the entire school district in Board deliberation.
2. Seek expression of community opinion as guide to the Board of Education.
3. Interpret expressions of community pressure groups in relation to the public interests.
4. Defend, under democratic concepts of rights and liberties, community minority groups in relation to the school system.
5. Refer to the certified staff, subject to review by the Board if necessary, problems of professional relations with the community.
6. Interpret the community to the certified and classified staff.
7. Protect professional and other school personnel from improper pressures of community groups or individuals.
8. Interpret the educational program and plans to the community.
9. Promote community understanding and interest in school activities and develop community concern for worthy educational accomplishments.
10. Promote school activity in community improvement programs.
11. Attend as Board member school-centered community activities.
12. Represent the Board in official statements to the public.

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Duties regarding state government—

Duties in relation to the state government:

1. Represent the state educational authority in the school district.
2. Secure observance in the school system of applicable sections of the state school law.
3. Ensure legality of all school and school board actions.
4. Require, through Board authority, the prompt filing of accurate reports by the school system to the state government.
5. Conduct, as presiding officer of the Board, public hearings as required by law.
6. Secure all possible advantages for the school system under permissive legislation.
7. Lead the Board to an understanding of state school organization and state school law.
8. Act with the state government and other governmental units including school districts in promoting educational opportunity for all persons in the state.
9. As a state school officer, act in the public interest of the state as a whole when that interest and local public interest appear to be at variance.

President's duties to be performed by vice president—

If the president is absent or acquires a disability, these duties are performed by the vice president.

Utah Code § 53G-4-205(2) (2019)

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Board Meetings

Meeting defined—

"Meeting" means the convening of the Board with a quorum present, whether in person or by means of electronic equipment, for the purpose of discussing, receiving public comments about, or acting upon a matter over which the Board has jurisdiction, including a workshop or executive session. However, a "meeting" does not include a chance or social gathering; or meetings where no funds are appropriated for expenditure and board members are convened solely to discuss administrative or operational matters which do not require formal action or would not come before the Board for discussion or action.

Utah Code § 52-4-103(6) (2022)

Rules of Order and Procedure—

The Board of Education shall adopt Rules of Order and Procedure to govern a public meeting of the Board of Education. The Rules of Order and Procedure shall include a set of policies that govern and prescribe in a public meeting:

1. Parliamentary order and procedure;
2. Ethical behavior; and
3. Civil discourse.

After adopting the Rules of Order and Procedure, the Board of Education shall:

1. Conduct its public meeting in accordance with the Rules of Order and Procedure adopted by the Board of Education; and
2. Make the Rules of Order and Procedure available to the public at each meeting of the Board of Education, and on the District's public website.

Utah Code § 53G-4-202(1)(c), (2) (2019)

Upon a two-thirds vote, the Board of Education may expel a member of the Board from an open public meeting of the Board for:

1. Disorderly conduct at the meeting;
2. The member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the meeting; or
3. Commission of a crime during the meeting.

The Board of Education may also adopt policies that expand the reasons for expelling a Board member from an open public meeting or which establish more restrictive procedures for such expulsion.

Utah Code § 53G-4-202(5) (2019)

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Open to the public—

Every meeting of the Board shall be open to the public unless closed pursuant to Utah Code §§ 52-4-204, 52-4-205, and 52-4-206.

Utah Code § 52-4-201(1) (2006)

Public hearing—

A public hearing is an open meeting at which members of the public are given a reasonable opportunity to comment on a subject of the meeting. Generally, the Board will determine whether a Board meeting will include a public hearing. However, the Board shall hold a public hearing when considering whether to close a school or change the boundaries of a school, when submitting a ballot issue regarding bond authorization or a tax increase, when considering the adoption of the District budget, before authorizing issuance of bonds, and when considering changes to the Board member compensation schedules, as required by statute.

Utah Code § 11-14-318 (2021)
Utah Code § 53G-4-402(21) (2021)
Utah Code § 53G-7-303(3) (2019)
Utah Code § 53G-4-204(2) (2021)
Utah Code § 59-1-1605 (2016)

Interference with conduct of Board meetings—

Those in attendance at Board meetings are prohibited from interfering with the conduct of the meeting by demonstrations, whether audible or visual or by conduct. Those who do not abide by Board procedures for orderly presentation of comments when permitted may be asked to leave or the Board may request law enforcement to remove those disrupting the meeting.

Distribution of handbills, flyers, or other printed materials by members of the public is prohibited during Board meetings. Similarly, members of the public may not circulate petitions or similar requests for participation during a Board meeting.

Public recording—

All or any part of the proceedings in any open board meeting may be recorded by any person in attendance provided that the recording does not interfere with the conduct of the meeting.

Utah Code § 52-4-203(5) (2022)

Attendance by local government representatives—

An interested mayor or interested county executive (or their designees) may attend and participate in the board's discussions in the open portions of the Board's meetings. An "interested mayor" is the mayor of a municipality which is partly or entirely within the boundaries of the school district. An "interested county executive" is the county executive or county manager of a county with unincorporated area within the boundary of the school district. These local government officials may not

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vote on any issue before the Board and their participation is subject to the Board President's authority to regulate the conduct of the meeting.

An interested mayor or interested county official may attend a closed meeting of the Board if invited by the Board. Where the closed meeting is held to discuss disposition or acquisition of real property, an interested mayor or interested county official may attend if invited by the Board and if the mayor or county executive does not have a conflict of interest with respect to the disposition or acquisition.

Utah Code § 53G-7-208(3)(a) (2019)

Quorum—

A majority of the members of the Board shall constitute a quorum for meetings of the Board.

Utah Code § 52-4-103(11)(a) (2022)
Utah Code § 53G-4-203(5) (2019)

USBA training session for board members—

In the event the Board or any of its members meet with representatives of the Utah School Boards Association (USBA) for the purpose of receiving or participating in instruction regarding Board functions or activities, and not for the purpose of discussing or acting upon a subject over which the Board has jurisdiction, the Board is not required to comply with the Utah Open and Public Meetings Act, Utah Code § 52-4-101 et seq.

If more than two Board members are present in such meetings, the Board members shall not discuss or act upon any specific matter over which it has jurisdiction. Board members will discuss only matters relative to the instruction they receive from USBA representatives.

If Board members determine in an instructional meeting with representatives of USBA that there is a need to discuss or act upon a subject over which the Board has jurisdiction, then the Board and its members must comply with the Open and Public Meetings Act, Utah Code § 52-4-101 et seq., prior to discussing or acting upon such matters.

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Board Meetings:
Notice Requirements

Public notice of annual meeting schedule—

At least once each year, the Board shall give public notice of its annual meeting schedule. The notice shall specify date, time and place of such meetings.

Utah Code § 52-4-202(2) (2021)

Notice of specific meetings—

In addition, the Board shall provide public notice of each meeting at least 24 hours in advance of each meeting; such notice shall include the agenda, date, time and place of the meeting.

Utah Code § 52-4-202(1) (2021)

Action limited to meeting agenda—

Where a meeting agenda must be included in the required public notice of a Board meeting (as stated in the paragraph above), that agenda shall be sufficiently specific to notify the public of the topics to be considered at the Board meeting. To be sufficiently specific, the agenda shall at least list each anticipated topic under an agenda item in a manner which identifies the subject of discussion and if known the nature of the Board action being considered on the subject. The Board may not consider a topic in an open meeting which was not listed under an agenda item and included with the advance public notice of the meeting, except that if an unlisted topic is raised by the public during an open meeting, the Board may at the discretion of the presiding Board member discuss the topic but may not take any final action on that topic during the meeting. This limitation may not apply to an emergency meeting where the requirements for holding and giving the best practicable notice of such a meeting have been met. (See “Emergency Meeting” below.)

Utah Code § 52-4-202(6) (2021)

When the Board is meeting to conduct a public hearing with respect to adopting the budget or levying a tax rate which exceeds the certified tax rate, the Board’s agenda must be limited to the hearing(s) and discussion and action on those items. (If the Board holds another meeting on the same date to address general business items, the other meeting must conclude before the meeting on the budget and/or tax rate levy.)

Utah Code § 59-2-919(8)(b)(i)(B), (e) (2021)

Giving notice of meeting—

Public notice of each Board meeting and of the Board’s annual meeting schedule shall be given by:

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1. Posting written notice at the local Board of Education office, unless the meeting is an electronic meeting and the requirements for holding a meeting without an anchor location have been met;
2. Posting notice on the Utah Public Notice Website; and,
3. Providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the public body or to a local media correspondent. (Notice to such a newspaper or local media correspondent sent pursuant to a subscription made through the Utah Public Notice Website satisfies this requirement if the notice has been timely sent.
4. The District shall also endeavor to post notice of Board meetings on the District's web site at least 24 hours in advance of the meeting. *[The statute does not require districts to provide this type of notice and requires districts to post notice on the State notice website. Therefore, in enacting its own policy, a district may decide whether or not to include this optional provision.]*
5. Notice of each Board meeting shall also be given to each interested mayor or interested county executive (or their designee). An "interested mayor" is the mayor of a municipality that is partly or entirely within the boundaries of the school district. An "interested county executive" is the county executive or county manager of a county with unincorporated area within the boundaries of the school district. This notice shall be provided by mail, email, or other effective means agreed to by the person to receive notice.

Utah Code § 52-4-202(3), (4) (2021)
Utah Code § 63A-12-201 (2021)
Utah Code § 53G-7-208(3)(e) (2019)

Emergency meeting—

In case of emergency or urgent public necessity which renders it impractical to give the notice identified in the paragraphs above, the best notice practicable shall be given of the time and place of the meeting and of the topics to be considered at the meeting. No such emergency meeting of the Board shall be held unless an attempt has been made to notify all of its members and a majority of the members vote in the affirmative to hold the meeting.

Utah Code § 52-4-202(5) (2021)

Annual budget meeting notice—

In addition to complying with the aforementioned public notice requirements, in regards to the budget hearing, the Board shall do the following:

1. Publish the required newspaper advertisement and/or electronic newspaper advertisement (see Utah Code § 45-1-101 (2021) and the required Utah Public Notice Website advertisement at least ten days before the day on which the hearing is held

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   a. The public hearing notice will include information on how the public may access the proposed budget.

2. File a copy of the proposed budget with the Board's business administrator for public inspection; and
3. Post a copy of the proposed budget on the District's Internet website.
4. In addition, if the proposed budget includes a tax rate in excess of the certified tax rate, or if the Board meeting is required to consider whether to adopt a tax rate in excess of the certified tax rate, the Board shall provide the notices and schedule the meeting as required by Utah Code § 59-2-919.

Utah Code § 53G-7-303(3) (2019)
Utah Code § 53F-8-201(3) (2019)
Utah Code § 59-2-919 (2021)

Bond or tax increase election hearing notice—

In addition to complying with the aforementioned public notice requirements, if the Board is meeting under the Transparency of Ballot Propositions Act to hear arguments for or against a ballot proposition to authorize issuance of bonds or to increase taxes, the District's election officer must post notice of the time, date, and place of the meeting (along with the arguments for and against the proposition):

1. On the Statewide Electronic Voter Information Website for 30 consecutive days before the election on the proposition;
2. On the District's website in a prominent place for 30 consecutive days before the election on the proposition;
3. If the District publishes a newsletter or other periodical, in the next scheduled edition before the election on the proposition.

Utah Code § 59-1-1604(6) (2016)
Utah Code § 59-1-1605 (2016)

The meeting must begin at or after 6:00 p.m.

Utah Code § 59-1-1605(3)(b) (2016)

Bond issuance hearing notice—

In addition to complying with the aforementioned public notice requirements, if the Board is meeting to consider authorizing issuance of bonds under the Local Government Bonding Act, it shall publish notice of the intent to issue bonds on the Utah Public Notice Website at least 14 days in advance of the public hearing on the bond issuance as required by Utah Code § 11-14-318. The notice shall give notice that the hearing will be held to receive input from the public respecting the issuance of the bonds and the potential economic impact that the proposed improvement, facility, or property that the bonds will fund will have on the private sector.

Utah Code § 11-14-318 (2021)

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Budget appropriation increase meeting notice—

In addition to complying with the aforementioned public notice requirements, if the Board is meeting to consider a request to increase a budget appropriation, it shall publish the required newspaper notice and notice under Utah Code § 45-1-101 of such meeting at least one week before the hearing.

Utah Code § 53G-7-305(7)(b) (2019)

School closure or boundary change hearing notice—

In addition to complying with the aforementioned public notice requirements, if the Board meeting is either to hold a public hearing regarding closing one or more schools or changing the attendance area boundaries for one or more schools, or to take such action, the additional notice requirements set out in Policy BFA must also be met.

Utah Code § 53G-4-402(21) (2021)

Board member compensation hearing notice—

Beginning July 1, 2007, in addition to meeting the aforementioned public notice requirements, if the Board is meeting to consider adopting a new Board member compensation schedule or schedules, or to consider amending an existing compensation schedule or schedules, the notice of the meeting with public hearing shall be given at least seven days prior to the meeting by:

1. Publishing the notice at least once in a newspaper published in the county where the District is situated and which is also generally circulated within the District, and publishing notice on the Utah Public Notice Website;
2. Posting the notice:
   a. At each school in the District
   b. In at least three other public places within the District; and
   c. On the Internet in a manner that is easily accessible to citizens who use the Internet.

   Utah Code § 53G-4-204(3) (2021)

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Board Meetings
Recordings and Minutes

Open Meeting Recording and Minutes—

Written minutes and a recording shall be kept of all open board meetings except site visits or traveling tours where no vote or action is taken by the Board, for which only written minutes shall be kept.

Written minutes shall include:

1. The date, time and place of the meeting;
2. The names of the members present and absent;
3. The substance of all matters proposed, discussed, or decided by the Board, which may include a summary of comments by Board members;
4. A record, by individual member, of each vote taken, with the record of each vote being set out in list format, by category for each action taken by a member (including yes votes, no votes, and absent members), and by each member's name;
5. The name of each person who is not a Board member who, after being recognized by the presiding Board member, presented testimony or comments to the Board and a brief summary of their testimony or comments;
6. Any other information that is a record of the proceedings of the meeting that any member requests be entered in the recording and minutes.

The requirement that the written minutes include the substance of Board discussion and of public comments may be satisfied by maintaining a publicly available online version of the minutes which includes a link to that portion of the meeting recording which relates to the discussion or comments.

The recording shall be a complete and unedited recording of all open portions of the meeting from the commencement of the meeting until the meeting's adjournment, and shall be labeled or identified with the date, time, and place of the meeting. If the meeting is a public hearing under the Transparency of Ballot Propositions Act, the recording must be digital.

Utah Code § 52-4-203(1), (2), (3) (2022)
Utah Code § 59-1-1605(4) (2016)

Approval of and Availability of Minutes and Recordings of Board meetings—

The recording of an open board meeting is a public record and shall be available to the public for listening within three business days after the end of the meeting. If the meeting is a public hearing under the Transparency of Ballot Propositions Act, the digital recording must also be made available on the District's website within this time period.

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Utah Code § 52-4-203(4)(g)(iii) (2022)
Utah Code § 59-1-1605(4)(b)(i) (2016)

The written minutes of an open board meeting are public records. The Board shall establish and implement procedures for correction of and formal approval of meeting minutes. Prior to approval, the minutes are considered "pending minutes." Pending minutes shall be made available to the public within a reasonable time after the meeting. Upon formal approval by the Board, the written minutes of the meeting shall be the official record of the actions taken at the meeting. Approved minutes and any public materials distributed at the meeting that the minutes relate to shall be made available to the public within three business days after they are approved by the Board by (1) making them available at the District office, (2) posting them on the District's website, and (3) by either posting the minutes and materials on the Utah Public Notice website or posting a link on the Utah Public Notice website which can be used to access the minutes and materials on the District website or another website.

Utah Code § 52-4-203(4)(g) (2022)

Pending minutes of a board meeting shall include the following notice in prominent, easily visible type: "These minutes have not yet been formally approved by the Board of Education and until such formal approval are subject to change."

Utah Code §52-4-203(4)(c) (2022)

Closed Meeting Recording and Minutes—

Except when the reason for closing the meeting is the discussion of personal information (the character, professional competence, or health of an individual) or security issues, as specified in Policy BEC, a recording shall be kept of all closed meetings and written minutes may be kept of closed meetings. Such recordings, and any minutes shall include:

1. The date, time and place of the meeting;
2. The names of members present and absent; and
3. The names of all others present except where such disclosure would compromise the confidential nature of the issues being discussed or otherwise infringe the privacy rights of the others present.

When kept, recordings of closed meetings shall be complete and unedited recordings of all portions of the closed meeting, and shall be labeled or identified with the date, time, and place of the closed meeting.

Where a meeting is closed for the purpose of discussing either security issues or the character, professional competence, or health of an individual, as specified in Policy BEC, the meeting shall not be recorded and no minutes shall be kept.

Utah Code § 52-4-206 (2018)

No Secret Ballot—

No vote shall be taken by secret ballot.

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Utah Code § 52-4-203(2)(a)(iv) (2022)

Closed Meeting Recordings and Minutes are Protected—

All recordings, minutes, and reports of closed meetings are hereby designated as "Protected Records" under the Government Records Access Management Act.

Utah Code § 52-4-206(5) (2018)
Utah Code § 63G-2-101 et seq.

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Board Meetings:
Closed Meetings

Closed Meetings—

A closed meeting may be held upon a two-thirds affirmative vote of the board members present at a meeting for which public notice was given pursuant to Utah Code § 52-4-202, providing a quorum is present. No resolution, rule, regulation, contract or appointment shall be approved at a closed meeting, nor may the Board interview an applicant to fill an elected position at such a meeting. The recording and minutes of open meeting at which the vote is taken to hold a closed meeting shall contain the reason or reasons for holding a closed meeting and the votes, by name, of the members present, either for or against the proposition to hold such a meeting. No vote may be taken in a closed meeting except a vote on a motion to end the closed portion of the meeting and return to an open meeting. A motion to end the closed portion of the meeting may be approved by a majority of the members present.

Utah Code § 52-4-204 (2022)

Purposes of Closed Meetings—

Closed meetings may only be held for the following purposes:

1. Discussion of the character, professional competence, or physical or mental health of an individual;
   a. However, the Board may not interview a person applying to fill an elected position, midterm vacancy or temporary absence in a closed meeting regardless of whether the interview may include a discussion of the character, professional competence, or physical or mental health of the applicant.
2. Strategy sessions with respect to collective bargaining or pending or imminent litigation; or
3. Strategy sessions with respect to the purchase, exchange, or lease of real property (including any form of water right or water shares) if public discussion may disclose the appraised or estimated value of the property or tend to prevent the Board from obtaining the best possible terms; or
4. Strategy sessions with respect to the sale of real property (including any form of water right or water shares) if public discussion may disclose the appraised or estimated value of the property or tend to prevent the Board from obtaining the best possible terms, but only if the Board previously gave public notice that the property would be offered for sale, and the terms of the sale are publicly disclosed before the Board approves the sale; or
5. Discussion regarding deployment of security personnel, devices, or systems;

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6. Investigative proceedings regarding allegations of criminal misconduct; or
7. The Board is fulfilling one of the following procurement functions:
    a. Deliberations as an evaluation committee regarding a solicitation or as protest officer regarding a protest; or
    b. Consideration of information designated as a trade secret if the consideration is necessary to properly conduct a procurement; or
    c. Discussion of information provided to the Board during a procurement if (at the time the Board meets) the information may not be disclosed to the public or procurement participants and the Board needs to review or discuss the information to properly fulfill its role and responsibilities in the procurement process.

If the meeting is closed for any reason stated in paragraph 1 or 5 of this Section, then the person presiding must sign a sworn statement affirming that the sole purpose of closing the meeting was to discuss those specific topics, and neither a recording nor minutes shall be kept of that portion of the closed meeting.

Utah Code § 20A-1-511(3)(c) (2019)
Utah Code § 52-4-205 (2022)
Utah Code § 52-4-206(6) (2018)

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Board Meetings:
Meeting Location

Meeting location—

The Board shall hold its regularly scheduled meetings at the location specified in its annual notice of meetings, and shall hold other meetings at the location specified in the public notice of such meetings.

Utah Code § 52-4-202(1)(b), (2)(b) (2021)

The Board shall hold its meetings within the geographic boundaries of the school district. However, a Board meeting may be held outside of the district in certain circumstances of disaster or local emergency or for certain site visits.

The Board may hold a meeting outside of the district if that is necessary to hold a meeting during a local emergency or disaster. A “local emergency” means a condition in any municipality or county of the state that requires that emergency assistance be provided by the affected municipality or county or another political subdivision to save lives and protect property within its jurisdiction in response to a disaster or to avoid or reduce the threat of a disaster. A “disaster” is an event that

1. causes, or threatens to cause, loss of life, human suffering, property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomenon, or technological hazard and
2. requires resources beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require response by a governmental, not-for-profit, or private entity.

The Board may hold a meeting outside of the district for a site visit if no vote or other action is taken and the location of the site visit provides the Board the opportunity to see or experience an activity that relates to the Board’s responsibilities and does not exist within the geographic boundaries of the district.

Utah Code § 53G-4-202(1)(a), (b), (3) (2019)

Location of workshops or executive sessions—

Where the Board holds a workshop or executive session on the same day as a regularly scheduled Board meeting, the workshop or executive session must be held at the same location as the regularly scheduled meeting, unless:

1. The regularly scheduled meeting is not being held where those meetings are usually held, and the workshop or executive session is held in the usual meeting location; or
2. Any of the meetings being held on the same day is a site visit or traveling tour for which appropriate public notice has been given; or

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3. The workshop or executive session is an electronic meeting and the requirements for holding such a meeting have been satisfied; or
4. Because of emergency or extraordinary circumstances, it is not practicable to hold the workshop or executive session at the regular location where Board meetings are held.

Utah Code § 52-4-201(2) (2006)

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Board Meetings:
No Electronic Meetings

Electronic meetings prohibited—

An electronic meeting is a meeting of the Board conducted or convened by means of a telephonic, telecommunication, or computer conference. The Board finds that the potential benefits of holding electronic meetings or of permitting individual members to participate in Board meetings by electronic means are outweighed by the costs, additional procedural and notice requirements of holding such meetings. The Board therefore hereby determines that none of its meetings shall be held by electronic means, and individual members are not permitted to participate in Board meetings by electronic means.

Utah Code § 52-4-207(2) (2022)

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Board Meetings:
Electronic Meetings

Electronic meetings authorized—

The Board authorizes its meetings to be held through electronic means as set forth in this policy. Such electronic means may include communications by telephone, telecommunications, computer, or similar methods of remote communication. Unless specifically stated by this policy, the other policies governing Board meetings (relating to notice, meetings being open to the public, and other matters) also apply to Board meetings held through electronic means.

Definitions—

The following terms are used in this policy:

1. Anchor location: A designated physical location from which the electronic meeting originates or to which participants are connected.
2. Electronic notice: email, text, fax, or other means of electronic communication.

Member request required for an electronic meeting—

A Board meeting may be held as an electronic meeting upon request of a member of the Board. This request must be made sufficiently in advance of the time that the Board meeting is scheduled so that the necessary arrangements can be made for the electronic meeting, including giving the required notice to other Board members. Therefore, the request should be made not less than 25 hours before the meeting. If a member of the Board wishes to participate electronically because of unforeseen or exigent circumstances arising less than 25 hours before the meeting, such participation may be allowed if the Board President determines that the necessary arrangements may be made for such participation and if a majority of the members of the Board agree to waive the 25-hour requirement.

Utah Code § 52-4-207(2)(c)(iii) (2022)

Notice to board members of an electronic meeting—

After an electronic meeting has been scheduled, and at least 24 hours before the meeting is to begin, the members of the Board shall be provided with a description of how to electronically connect to the meeting, except as otherwise may be provided in a rule of the Legislature applicable to the Board.

Utah Code § 52-4-207(3)(c) (2022)

Anchor location—

Unless the requirements have been met for holding an electronic meeting without an anchor location, the Board will provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting. The Board may also provide means by which members of the public who are not

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physically present at the anchor location may attend the meeting remotely by electronic means.

Utah Code § 52-4-207(4) (2022)

Electronic meetings without an anchor location—

The Board may convene and conduct an electronic meeting without an anchor location if the president of the Board makes a determination that either (1) conducting the meeting with an anchor location presents a substantial risk to the health or safety of those present or who would otherwise be present at the anchor location or (2) the location where the Board would normally meet has been ordered closed to the public for health or safety reasons. The public notice for the meeting must include a description of the Board president's determination and a summary of the facts upon which it is based, along with information on how a member of the public may attend the meeting remotely by electronic means. A determination of substantial risk to health or safety expires 30 days after the day on which the president makes it.

Utah Code § 52-4-207(5)(a), (6) (2022)

During the course of an electronic meeting with an anchor location where the Board has provided means by which members of the public who are not physically present at the anchor location may attend the meeting remotely by electronic means, the anchor location may be closed and the meeting continued without an anchor location if the Board president determines that continuing to conduct the meeting with an anchor location presents a substantial risk to the health or safety of those present at the anchor location, announces that determination during the meeting, and states a summary of the facts upon which the determination is made.

Utah Code § 52-4-207(5)(b) (2022)

Electronic meeting not available for site visit or traveling tour—

When the scheduled meeting is a site visit or traveling tour, the meeting may not be conducted or convened electronically.

Determining quorum in an electronic meeting—

In determining whether a quorum of the Board is present during an electronic meeting, all members are counted who are either present at the anchor location (if the meeting has an anchor location) or who are connected to the meeting by the method provided for remote participation in the meeting.

Utah Code § 52-4-207(2)(b) (2022)

Taking votes during an electronic meeting—

Except when the vote is unanimous, all votes during an electronic meeting shall be taken by roll call of the members.

Utah Code § 52-4-207(9) (2022)

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Public notice of an electronic meeting—

In addition to providing and posting the notices required for other Board meetings, the Board shall provide at least 24 hours' advance written or electronic notice of the electronic meeting to

1. A newspaper of general circulation within the state; and
2. A local media correspondent.

Unless the requirements have been met for holding a meeting without an anchor location, the Board shall also post written notice of the electronic meeting at the anchor location at least 24 hours prior to the electronic meeting. The notices of the electronic meeting shall specify the anchor location of the meeting or, if there is no anchor location, shall specify how a member of the public may hear (or view and hear) the meeting and if public comment will be accepted how a member of the public may provide comments by electronic means.

Utah Code § 52-4-207(3) (2022)

Public access to electronic meetings—

Space and facilities shall be provided at the anchor location of an electronic meeting of the Board to permit members of the public to attend and monitor the electronic meeting (except those portions of such a meeting which have been properly closed to the public by the Board). If the Board meeting is one at which comments from the public will be accepted, then the space and facilities shall also permit members of the public to participate in the electronic meeting. For an electronic meeting which is being held without an anchor location, the Board shall provide access to the meeting as provided for above regarding meetings without an anchor location

Members of the public are not entitled to monitor or attend electronic meetings except through the space and facilities provided at the anchor location or through electronic access provided for a meeting without an anchor location. (Members of the public cannot request an electronic meeting and do not have the right to be remotely connected to a Board meeting except as set forth in this policy.)

Utah Code § 52-4-207(4) (2022)

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Community Involvement in Education

Community Resources—

The Board recognizes that the public has substantial resources of training and experience that could be useful to schools. The strength of the local District is in large measure determined by the manner and degree to which these resources are utilized in an advisory capacity and to the degree that these resources are involved in supporting the improvement of the local educational program.

The advice of the public will be given careful consideration. In the evaluation of such contributions, the first concern will be for the educational program as it affects the students. The final decision may depart from this advice when in the judgment of the staff and the Board such advice is not consistent with goals adopted by the Board, consistent with current educational practice, or within the reach of the financial resources available.

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School Closures and Boundary Changes

Notice of Possible Closure or Boundary Change—

At least 120 days before approving the closure of a school or a change to school attendance area boundaries, the Board shall provide notice that it is considering closure or a boundary change to parents of students enrolled in the school, to parents of students enrolled in other schools in the District which may be affected by the closure or boundary change, and to the governing council and mayor of the municipality where the school is located. The notices to parents shall be provided using the same form of communication that the Board regularly uses to communicate with parents.

Utah Code § 53G-4-402(21)(a)(i) (2021)

Hearings on Closure or Boundary Change—

Before taking action to close a school or change a school attendance area boundary, the Board shall hold at least two Board meetings which include public hearings to receive comment on the proposed closure or boundary change.

Utah Code § 53G-4-402(21)(a)(ii) (2021)
Utah Code § 10-9a-103(53) (2022)

Notice of Hearings on Closure or Boundary Change—

In addition to meeting the other requirements for notice of a public meeting as set out in Policy BEA, and in addition to the 120-day notice described above, the Board shall give notice of each public hearing on a proposed school closure or boundary change. The notice shall indicate the school or schools under consideration for closure or boundary change and state the date, time, and location of the public hearing. This notice shall be provided at least 30 days before the date of the hearing to the parents and public officials who were required to receive the 120-day notice described above. At least 10 days before the hearing, this notice shall also be published in a newspaper of general circulation in the area, posted on the Utah Public Notice Website, posted in at least three public locations within the municipality in which the school is located, posted on the District's official website, and posted prominently at the school or schools affected.

Utah Code § 53G-4-402(21)(b) (2021)

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Superintendent:
Appointment, Term of Office, and Interim Appointment

Appointment—

The Board shall appoint a District Superintendent of Schools who serves as the Board's chief executive officer.

Utah Code § 53G-4-301(1) (2018)

The Superintendent's appointment shall occur at the Board's first meeting in June.

Compensation and benefits—

The Board shall set the Superintendent's compensation for services.

Term of office—

The Superintendent's term of office begins July 1 and is for two years and until a successor is appointed and qualified.

Utah Code § 53G-4-301(3)(a) (2018)

Automatic contract renewal prohibited—

The Board may not enter into an employment contract with the superintendent which contains an automatic renewal provision.

Utah Code § 53G-4-301(3)(b) (2018)

Interim appointment—

If it becomes necessary to appoint an interim superintendent due to a vacancy in the office of superintendent, then the Board shall make an appointment during a public meeting for an indefinite term not to exceed one year, which term shall end upon the appointment and qualification of a new superintendent.

However, an interim appointment shall be limited if it takes place during the time period between an election day where any new board member is elected and the date when the new board member or members takes office. (If all Board members who stood for election are re-elected, this limitation does not apply.) Under this limitation, the Board may only make an interim appointment, and that appointment shall expire as soon as the new board member takes office and a new superintendent is appointed by the newly constituted board.

Utah Code § 53G-4-301(4), (7) (2018)

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Superintendent:
Qualifications and Responsibilities

Qualifications—

The Board shall appoint the Superintendent on the basis of outstanding professional qualifications.

Utah Code § 53G-4-301(2) (2018)

Oath of office—

The Superintendent shall take the constitutional oath of office.

Utah Code § 53G-4-301(6) (2018)

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of Utah, and that I will discharge the duties of my office with fidelity."

Article IV, Section X, Utah State Constitution

Responsibilities—

The Superintendent shall be the educational leader and administrative manager of the District. The Superintendent shall implement the policies established by the Board, including:

1. Serving as the Board's chief executive officer.

   Utah Code § 53G-4-301(1) (2018)

2. Hearing employee, student, parent and community concerns in accordance with Board policies;
3. Setting an exemplary standard to promote educational excellence and work harmoniously with the Board to set educational goals and objectives reflecting the philosophy of the Board.
4. Reviewing and evaluating all aspects of the District's educational program, including facilities, and reporting any areas of concern or potential problems.

Budget officer—

The Superintendent shall serve as budget officer for the District.

Utah Code § 53G-7-302(1)(a)(i) (2019)

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Superintendent:
Qualifications and Responsibilities

Qualifications—

The Board shall appoint the Superintendent on the basis of outstanding professional qualifications.

Utah Code § 53G-4-301(2) (2018)

Oath of office—

The Superintendent shall take and sign the constitutional oath of office before assuming office.

Utah Code § 53G-4-301(6) (2018)
Article IV, Section X, Utah State Constitution

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of Utah, and that I will discharge the duties of my office with fidelity."

Article IV, Section X, Utah State Constitution

After the Superintendent has taken and signed the oath of office, the oath shall be filed with the business administrator of the District.

Utah Code § 52-1-6 (1953)

Responsibilities—

The Superintendent shall be the educational leader and administrative manager of the District. The Superintendent shall implement the policies established by the Board, including:

1. Serving as the Board's chief executive officer.

   Utah Code § 53G-4-301(1) (2018)

2. Hearing employee, student, parent and community concerns in accordance with Board policies;
3. Setting an exemplary standard to promote educational excellence and work harmoniously with the Board to set educational goals and objectives reflecting the philosophy of the Board.
4. Reviewing and evaluating all aspects of the District's educational program, including facilities, and reporting any areas of concern or potential problems.

Budget officer—

The Superintendent shall serve as budget officer for the District.

Utah Code § 53G-7-302(1)(a)(i) (2019)

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Superintendent:
Evaluation

Written evaluation—

The Board may annually make a written evaluation of the Superintendent. In its sole discretion, the Board may make written evaluations of the Superintendent on a more frequent basis. Such evaluations may be prepared in Board meetings which have been closed to the public pursuant to Policy BEC.

The Board shall furnish the Superintendent with a copy of the contemplated evaluation and may, in its sole discretion, discuss its conclusions with the Superintendent in a closed meeting if the meeting has been properly closed pursuant to Policy BEC.

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Superintendent:
Dismissal, Relief of Duties, and Suspension

Termination—

The Superintendent may be terminated during the term of his or her appointment upon a vote of two-thirds of the Board.

No adverse actions based on unlawful grounds—

The Board's decision to terminate, dismiss, or take any other adverse employment action against the Superintendent shall not be based on the Superintendent's exercise of rights guaranteed by the Constitution, or based unlawfully on race, color, religion, sex, national origin, handicap, or age.

Enumerated causes—

Causes for the termination of the Superintendent may include but are not limited to:

1. Deficiencies pointed out in evaluations, supplemental memoranda, or other communications;
2. Neglect of duties or responsibilities, or the conduct of personal business during school hours;
3. Incompetence or inefficiency in the performance of required or assigned duties;
4. Insubordination or failure to comply with Board directives, policies or administrative regulations;
5. Drunkenness or excessive use of alcoholic beverages; illegal use of drugs, hallucinogens, or other controlled substances, or the possession, use, or being under the influence of alcohol, alcoholic beverages, drugs or controlled substances while on school property, acting within the scope of the Superintendent's duties, or attending any school- or District-sponsored activity;
6. Conviction of a felony or any crime involving moral turpitude;
7. Failure to meet the District's standards of professional conduct;
8. Disability, not otherwise protected by law, that impairs performance of required duties;
9. Immorality, which is conduct the Board determines is not in conformity with the accepted moral standards of the community encompassed by the District;
10. Any activity, school-connected or otherwise, that, because of publicity given it or knowledge of it among student, faculty, or community, impairs or diminishes the Superintendent's effectiveness in the District;

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11. Reasons specified in the individual employment contract reflecting special conditions of employment, or failure to maintain a valid supervisory certificate;
12. Failure to maintain an effective working relationship, or maintain good rapport with parents, the community, staff, or the Board;
13. Assault on an employee or student;
14. Falsification of records or other documents related to the District's activities;
15. Misrepresentation of facts to the Board or other District officials in the conduct of District business;
16. Mismanagement of District property;
17. Mismanagement of District financial resources; or
18. Failure to adequately provide for the safety of students.

Leave with pay or relief of duties—

The Board may, by majority vote, for any cause enumerated or for no cause, place the Superintendent on leave with pay or place him or her in another position with equivalent pay and employment-related benefits and such action shall not constitute termination. However, if these actions are taken for cause, the Superintendent is entitled to the notice set out in the following section and may request a hearing to contest the action as provided in the hearing section below.

Notice—

Before the Superintendent is terminated or other employment action is taken based on cause, the Superintendent shall be given reasonable notice of the proposed action and the grounds set out in sufficient detail to fairly enable him or her to show any error that may exist. The Superintendent shall be advised of the names of adverse witnesses and the nature of their testimony.

Hearing—

If, upon written notification, the Superintendent desires to be heard and contest the proposed action of the Board, the Superintendent shall make a written request for a hearing before the Board within 15 days of receiving the notification. The hearing shall be set on a date that affords the Superintendent reasonable time to prepare an adequate defense but not more than 30 days from the Board's receipt of the written request, unless postponed by mutual consent.

The Board may conduct the hearing in open session or in closed session if the meeting is properly closed under Policy BEC, unless the Superintendent requests a public hearing, in which case the hearing shall be open to the public.

At the hearing before the Board, the Superintendent may employ counsel. The Superintendent also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence of innocence or extenuating circumstances. Prior to termination or adverse action for

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cause, the Board shall determine the existence of good cause for the termination or action. Such determination shall be based solely on the evidence presented in the hearing. Termination may only be by a vote of two-thirds of the Board.

The Board shall notify the Superintendent of its decision within 15 days after the hearing.

Suspension—

At the discretion of the Board by majority vote, the Superintendent may be placed on leave with pay pending the outcome of the termination hearing.

Notice to the State Board of Education—

The President of the Board shall notify the Utah Professional Practices Advisory Commission whenever the Board becomes aware that the Superintendent has been determined, in any judicial or administrative proceeding, to have violated any of the Utah Educator Standards. If possible, this notification shall be made using the form provided by the UPPAC Executive Secretary. In submitting the notification to UPPAC, the Board may make a recommendation to the UPPAC Executive Secretary regarding whether UPPAC investigation would be appropriate under the circumstances, taking into consideration any employment action taken by the Board. Notice is not required to be given if there are no other proceedings other than a District administrative proceeding and the District's proceeding determines that the allegations constituting the violation are unsupported. (A criminal charge would be an example of another proceeding.)

Utah Admin. Rules R277-217-5 (April 8, 2021)

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BKA

Business Administrator:
Appointment, Term of Office, and Interim Appointment

Appointment—

The Board shall appoint a Business Administrator.

Utah Code § 53G-4-302(1) (2018)

Term of office—

The Business Administrator's term of office is for two years and until a successor is appointed and qualified. On or after May 8, 2012, the Board may not enter into an employment contract that contains an automatic renewal provision with the Business Administrator.

Utah Code § 53G-4-302(2) (2018)

No Business Administrator Appointments During Interim Vacancy Period—

As used in this policy, "interim vacancy period" means the period of time that:

1. begins on the day on which a general election is held to elect a member of the Board; and
2. ends on the day on which the member-elect begins.

The Board may not appoint a business administrator during an interim vacancy period. However, the Board may appoint an interim business administrator during an interim vacancy period; and the interim business administrator's term shall expire once a new business administrator is appointed by the new Board after the interim vacancy period has ended.

The interim business administrator requirement does not apply if all the Board members who held office on the day of the general election whose term of office was vacant for the election are reelected to the Board for the following term.

Utah Code § 53G-4-302(3), (5) (2018)

Interim appointment—

If it becomes necessary to appoint an interim business administrator due to a vacancy in the office of business administrator, then the Board shall make an appointment during a public meeting for an indefinite term not to exceed one year, which term shall end upon the appointment and qualification of a new Business Administrator.

Utah Code § 53G-4-302(3) (2018)

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Business Administrator:
Qualifications and Responsibilities

Oath of office—

The Business Administrator qualifies for office by taking and signing the constitutional oath of office:

Utah Code § 53G-4-302(4) (2018)
Article IV, Section X, Utah State Constitution

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of Utah, and that I will discharge the duties of my office with fidelity."

Article IV, Section X, Utah State Constitution

After the Business Administrator has taken and signed the oath of office, the oath shall be filed with the Business Administrator.

Utah Code § 52-1-6 (1953)

General responsibilities—

Subject to the direction of the District's Superintendent of Schools, the Business Administrator shall:

1. Have custody of the Board's seal and use the seal to authenticate all matters requiring authentication.
2. Attend all meetings of the Board, keep accurate records of its proceedings as required by law, subject to requirements that certain closed meetings not be recorded, as set forth in Policy BEB, and have custody of the records of the Board;
3. Be custodian of all District funds, be responsible and accountable for all money received and disbursed, keep accurate records for all revenues received and their sources;
4. Countersign with the President of the Board all warrants and claims against the District as well as other legal documents approved by the Board;
5. Prepare and submit to the Board each month a written report of the District's receipts and expenditures;
6. Use uniform budgeting, accounting, and auditing procedures in forms approved by the State Board of Education, which shall be in accordance with the generally accepted accounting principles or auditing standards and with Title 63J, Chapter 1, Utah Budgetary Procedures Act;

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7. Prepare and submit to the Board a detailed annual statement for the period ending June 30, of the revenue and expenditures, including beginning and ending fund balances;
8. Assist the Superintendent in the preparation and submission of budget documents and statistical and fiscal reports required by the law or the State Board of Education;
9. Insure that adequate internal controls are in place to safeguard the District's funds; and
10. Perform other duties as the Superintendent may require.

Utah Code § 53G-4-401(3) (2019)
Utah Code § 53G-4-303 (2019)

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Business Administrator:
Evaluation

Written evaluation—

The Board, or its designee, may annually make a written evaluation of the Business Administrator. In its sole discretion, the Board, or its designee, may make written evaluations of the business administrator on a more frequent basis. Such evaluations by the Board may be prepared in Board meetings which have been closed to the public pursuant to Policy BEC

The Board shall furnish the Business Administrator with a copy of the contemplated evaluation and may in its sole discretion discuss its conclusions with the Business Administrator in a closed meeting if the meeting has been properly closed pursuant to Policy BEC.

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Business Administrator:
Dismissal, Relief of Duties, and Suspension

Termination—

The Business Administrator may be terminated during the term of his or her appointment upon a vote of two-thirds of the Board.

No adverse actions based on unlawful grounds—

The Board's decision to terminate, dismiss, or take any other adverse employment action against the Business Administrator shall not be based on his or her exercise of rights guaranteed by the Constitution, or based unlawfully on race, color, religion, sex, national origin, handicap, or age.

Enumerated causes—

Causes for the termination of the Business Administrator may include but are not limited to:

1. Deficiencies pointed out in evaluations, supplemental memoranda, or other communications;
2. Neglect of duties or responsibilities, or the conduct of personal business during school hours;
3. Incompetence or inefficiency in the performance of required or assigned duties;
4. Insubordination or failure to comply with Board directives, policies or administrative regulations;
5. Drunkenness or excessive use of alcoholic beverages; illegal use of drugs, hallucinogens, or other controlled substances, or the possession, use, or being under the influence of alcohol, alcoholic beverages, drugs or controlled substances while on school property, acting within the scope of the Business Administrator's duties, or attending any school- or District-sponsored activity;
6. Conviction of a felony or any crime involving moral turpitude;
7. Failure to meet the District's standards of professional conduct;
8. Disability, not otherwise protected by law, that impairs performance of required duties;
9. Immorality, which is conduct the Board determines is not in conformity with the accepted moral standards of the community encompassed by the District;
10. Any activity, school-connected or otherwise, that, because of publicity given it or knowledge of it among student, faculty, or community, impairs or diminishes the Business Administrator's effectiveness in the District;

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11. Reasons specified in the individual employment contract reflecting special conditions of employment, or failure to maintain a valid supervisory certificate;
12. Failure to maintain an effective working relationship, or maintain good rapport with parents, the community, staff, or the Board;
13. Assault on an employee or student;
14. Falsification of records or other documents related to the District's activities;
15. Misrepresentation of facts to the Board or other District officials in the conduct of District business;
16. Mismanagement of District property;
17. Mismanagement of District financial resources; or
18. Failure to adequately provide for the safety of students.

Leave with pay or relief of duties—

The Board may, by majority vote, for any cause enumerated or for no cause, place the Business Administrator on leave with pay or place him or her in another position with equivalent pay and employment-related benefits and such action shall not constitute termination. However, if these actions are taken for cause, the Business Administrator is entitled to the notice set out in the following section and may request a hearing to contest the action as provided in the hearing section below.

Notice—

Before the Business Administrator is terminated or other employment action is taken based on cause, the Business Administrator shall be given reasonable notice of the proposed action and the grounds set out in sufficient detail to fairly enable him or her to show any error that may exist. The Business Administrator shall be advised of the names of adverse witnesses and the nature of their testimony.

Hearing—

If, upon written notification, the Business Administrator desires to be heard and contest the proposed action of the Board, the Business Administrator shall make a written request for a hearing before the Board within 15 days of receiving the notification. The hearing shall be set on a date that affords the Business Administrator reasonable time to prepare an adequate defense but not more than 30 days from the Board's receipt of the written request, unless postponed by mutual consent.

The Board may conduct the hearing in open session or in closed session if the meeting is properly closed under Policy BEC, unless the Business Administrator requests a public hearing, in which case the hearing shall be open to the public.

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At the hearing before the Board, the Business Administrator may employ counsel. The Business Administrator also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence of innocence or extenuating circumstances. Prior to termination or adverse action for cause, the Board shall determine the existence of good cause for the termination or action. Such determination shall be based solely on the evidence presented in the hearing. Termination may only be by a vote of two-thirds of the Board.

The Board shall notify the Business Administrator of its decision within 15 days after the hearing.

Suspension—

At the discretion of the Board by majority vote, the Business Administrator may be placed on leave with pay pending the outcome of the termination hearing.

Notice to the State Board of Education—

The Superintendent shall notify the Utah Professional Practices Advisory Commission whenever the Board or Superintendent become aware that the Business Administrator has been determined, in any judicial or administrative proceeding, to have violated any of the Utah Educator Standards. If possible, this notification shall be made using the form provided by the UPPAC Executive Secretary. In submitting the notification to UPPAC, the Board may make a recommendation to the UPPAC Executive Secretary regarding whether UPPAC investigation would be appropriate under the circumstances, taking into consideration any employment action taken by the Board. Notice is not required to be given if there are no other proceedings other than a District administrative proceeding and the District's proceeding determines that the allegations constituting the violation are unsupported. (A criminal charge would be an example of another proceeding.)

Utah Admin. Rules R277-217-5 (April 8, 2021)

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Administrative Personnel

Administrative appointment—

All administrators of the District will be appointed by the Board only upon the recommendation of the Superintendent. Should a person nominated by the Superintendent be rejected by the Board, it shall be the Superintendent's duty to make another nomination.

In determining which individual to recommend for an administrative position, the Superintendent will consider the advice of an Administrative Recommendation Committee appointed by the Board, which will consist of two board members, one Principal, two teachers and two patrons. Where the administrator will be assigned to work at a specific building, the Superintendent will also consider the advice of the building Principal.

Criteria—

Selection shall be based on written criteria which relate to the position requirements. The selection process shall be uniform, with all applicants undergoing the same process. All applicants shall be fully informed of the criteria and procedures associated with the selection process prior to an interview or at the beginning of the interview.

Certification—

All personnel selected must be appropriately licensed by the State Board of Education to serve in an administrative position requiring licensure before they can receive any salary from the District.

Utah Admin. Rules R277-505 (May 23, 2016)

An administrator who is assigned as a principal, vice principal, or assistant principal must have a current educator license and a school leadership license area of concentration.

Utah Admin. Rules R277-309-4(15) (August 12, 2021)
Utah Admin. Rules R277-305-2(2) (August 19, 2019)

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Administrative Personnel:
Duties of Principals

Duties of principals—

School Principals shall:

1. Provide primary educational leadership in the school to which they are assigned. As chief administrative officer of the school and supervisor of its instructional program, the Principal shall provide the leadership in creating an environment conducive to skillful creative teaching and optimum learning. In recognition of the value of the team approach, supervision should be identified through encouragement and support of the instructional program allowing opportunity for teacher growth and development.
2. Be the administrative authority in the school within the limits of the law, Board regulations and instructions from the Superintendent.
3. Inform the staff of school regulations as they are enacted by the Board of Education.
4. Keep the Superintendent, appropriate assistant administrators and other administrative officers fully advised as to the conditions and needs of the school.
5. Make regular and thorough inspections accounting for school properties, and be responsible to the Superintendent for these properties.
6. Assist curriculum personnel in appraising, developing and evaluating the school curriculum and in planning, adapting and scheduling the courses of study for the students.
7. Take all reasonable precautions to safeguard the staff and the students in the school during school hours. Provide for the safety and care of children in case of fire, storm, or other sudden danger to the school plant and see that the students and teachers are adequately trained to carry out such plans during these occurrences.
8. In the best interests of the students and staff, organize the resources of the school to provide supervision of playground activities 30 minutes prior to school, during school, and after the last bus leaves after school, and supervise the lunch room program and the noon hour.
9. Oversee discipline procedures used and report to the Superintendent or the delegated authority any irregular types of punishment prohibited by Board policy.
10. Make recommendations for teacher dismissal within the school.

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11. As required, evaluate and report the efficiency of each member of the instructional staff in the school in accordance with an established plan of teacher evaluation.
12. Assist in the development of the school budget and keep such business records and execute such business forms as may be required.
13. Order approved supplies, textbooks, equipment, and all materials necessary to the operation of the school.
14. Administer a system of accounting of all monies from student activities, cafeterias, student fees or fines, entertainments, gifts and from any student group within the school. This accounting shall be in accord with a central plan of accounts and carried out under the supervision of the Superintendent or the delegated authority.
15. Report immediately, in full and in writing, to the administrative offices any infringement of district property rights within the school or any injury to any pupil or member of the staff that may occur at a time or place wherein the rights or responsibilities of the schools may be involved.
16. Process complaints concerning the school, investigate these complaints and refer to the area assistant administrator cases which the Principal cannot adjust satisfactorily.
17. Direct and supervise the professional, classified and hourly staff working within the school building and provide annual evaluations for each member.
18. Be responsible for good public relations with community groups, including the parent-teacher organization and other organizations and for using community and professional resources to enrich the learning program.
19. Report to the appropriate assistant administrator any need for extended absence from school and the name of the person appointed to act in the absence of the Principal.
20. Perform other duties as may be assigned by the Superintendent of Schools.
21. In accordance with policies, rules and regulations adopted by the Board, be responsible for the detailed organization of the program of the school, for the assignment of duties to staff members and for the administration of the instructional program for the regular school year and during the extended summer program.
22. Be responsible for the maintenance and repair of the school building.
    a. Report all emergencies to the Superintendent or the assistant administrator for operations.
    b. Be responsible for the safety of the physical facilities.

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c. Conduct, in the presence of the custodian, a monthly building inspection. The inspection report, detailing all needed repairs, shall be submitted to the assistant administrator of operations in a timely manner.

23. Provide all new employees with sufficient information for them to complete their jobs.

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Administrative Personnel:
Evaluation

Written evaluation—

The Superintendent or his or her designee may annually make a written evaluation of administrative personnel. In the Superintendent's sole discretion, evaluations may be made on a more frequent basis. A copy of the evaluation instrument shall be provided to the Administrator.

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Charter Schools:
Charter School Sponsorships

Sponsorship of Charter Schools—

The Utah Legislature has authorized school districts to contract with individuals and entities to sponsor charter schools within the district's boundaries, whether the charter school is converted from an existing district school or is a new school. This policy establishes the Board's procedures for approval and amendment of charter agreements, requests for the Board to become an existing charter school's authorizer, expansion of charter schools, and establishment of satellite charter schools. The application approval process must be submitted to and approved by the State Board of Education before new charter schools may be approved for or after the 2021-2022 school year. It also establishes procedures for oversight of charter schools authorized by the Board. The remediation policy established herein shall be submitted to the State Board of Education by January 1, 2020.

Utah Code § 53G-5-305(1) (2019)
Utah Admin. Rules R277-552-3(2), (4) (February 9, 2021)
Utah Admin. Rules R277-553-3(1) (May 26, 2020)

Acceptance of Applications for Charter School Authorization—

The Board hereby elects to receive applications from individuals and organizations for the Board to authorize charter schools within the boundaries of the District. The requirements and process for obtaining Board authorization are set forth in this policy.

Utah Code § 53G-5-305(8) (2019)

Application to Convert an Existing Public School to a Charter School—

With the necessary authorization, the principal, teachers, or parents of students at an existing District school may submit an application to the Board to convert all or part of the school to a charter school. Before an application to convert the entire school may be submitted, a petition approving that application must be signed by at least two-thirds of the licensed educators employed at the school and by at least two-thirds of the parents of students enrolled at the school. A petition approving an application to convert a portion of the school must be approved by a majority of the licensed educators employed at the school and a majority of the parents or guardians of students enrolled at the school.

Before the Board may approve a conversion application, it must determine that the students opting not to attend the proposed converted school would have access to a comparable public education alternative and that current teachers who choose not to teach at the converted school would receive a first preference for transfer to open teaching positions for which they qualify within the District or that applicable policy or agreements regarding staff reduction would apply.

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Utah Code § 53G-5-305(1)(b) (2019)

Contents of Application—

An application requesting the Board to authorize a charter school shall include the following with regard to the proposed school:

1. The purpose and mission of the school;
2. A description of the governance structure of the school, including:
   a. A list of the charter school governing board members describing the qualifications of each member and
   b. An assurance that the applicant shall, within 30 days of authorization, complete a background check for each governing board member consistent with Utah Code § 53G-5-408;
3. A description of the target population of the school that includes:
   a. The projected maximum number of students the school proposes to enroll;
   b. The projected school enrollment for each of the first three years of school operation; and
   c. The ages or grade levels the school proposes to serve;
4. Academic goals;
5. Qualifications and policies for school employees, including policies that:
   a. Comply with the criminal background check requirements described in Utah Code § 53G-5-408;
   b. Require employee evaluations;
   c. Address employment of relatives within the charter school; and
   d. Address human resource management and ensure that:
      i. At least one of the school's employees or another person is assigned human resource management duties, as defined in Utah Code § 17B-1-805; and
      ii. That this assigned person receives human resource management training, as defined in Utah Code § 17B-1-805;
6. A description of how the charter school will provide special education and related services (as required by federal law);
7. If the proposed charter school is a public school converting to a charter status, arrangements for:
   a. Students who choose not to continue attending the charter school; and
   b. Teachers who choose not to continue teaching at the charter school;

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8. A statement that describes the plan for establishing the charter school's facilities, including:
   a. Whether the school intends to lease or purchase the school's facilities; and
   b. Financing arrangements;
9. A market analysis of the community the school plans to serve;
10. A business plan;
11. A description of the school's proposed curriculum, instructional program, and instructional delivery methods;
12. The proposed methods for assessing whether students are reaching academic goals (which at a minimum shall include administering the statewide assessments described in Utah Code § 53E-4-301);
13. A proposed calendar;
14. Sample policies;
15. A description of opportunities for parental involvement;
16. A description of any administrative, supervisory, or other proposed services that may be obtained through service providers;
17. Other information that demonstrates an applicant's ability to establish and operate a charter school;
18. The proposed pre-operational plan, including proposed implementation of required policies, student data systems, reporting, and financial management;
19. Other identified major issues involving the establishment and operation of the school;
20. A proposed charter agreement; and
21. The signatures of the charter school governing board members.

Utah Code § 53G-5-302(2), (3) (2019)

Contents of Charter Agreement—

An approved charter agreement is a contract between the charter school applicant and the Board of Education which describes the rights and responsibilities of the applicant and the Board of Education and when approved allows for the operation of the proposed charter school. To be approved by the Board, a proposed charter agreement must include each of the following components and do so in a manner satisfactory to the Board:

1. The name of the charter school and the name of the charter school applicant;
2. The mission statement and purpose of the charter school;
3. The charter school's opening date;

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4. The grade levels the charter school will serve;
5. The maximum number of students to be served by the school or by all satellite schools (subject to Utah Code § 53G-6-504);
6. A description of the structure of the charter school's governing board, including the number of board members, how members of the board are appointed, and the terms of office of board members;
7. Assurances that:
    a. The charter school's governing board shall comply with the charter school's bylaws and articles of incorporation and applicable federal and state law and State Board of Education rules;
    b. The charter school's governing board will meet all reporting requirements described in Utah Code § 53G-5-404; and
    c. That except as provided for under the Charter School Credit Enhancement Program (Title 53G, Chapter 5, Part 6), neither the Board of Education nor the State or any agency of the State is liable for the debts or financial obligations of the charter school or a person who operates the charter school;
8. Which administrative rules the State Board of Education will waive for the charter school;
9. The minimum financial standards for operating the charter school;
10. The minimum standards for student achievement; and
11. The signatures of the charter school's governing board members and (upon approval by the Board) the signature of the president of the Board of Education.

Utah Code § 53G-5-303 (2022)

Upon approval of the charter agreement and execution by both the charter school's governing board and by the Board, the Board shall maintain the original and official signed copy of the charter agreement.

Utah Admin. Rules R277-552-3(7) (February 9, 2021)

Application Review—

Upon receipt of an application for authorization of a new charter school, the Board, or a committee established by the Board, shall review the application and evaluate:

1. The proposed governing board, including:
    a. Reviewing the resumes of and background information of proposed governing board members; and
    b. Conducting a capacity interview of the proposed governing board;

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2. The school's financial viability, including:
   a. Reviewing and assessing the submitted market analysis;
   b. Anticipated enrollment; and
   c. Anticipated and break-even budgets;
3. The school's academic program and academic standards by which the Board will hold the school accountable;
4. The school's proposed pre-operational plan, including implementation of:
   a. applicable legal requirements for public schools;
   b. required policies;
   c. student data systems, including student data privacy requirements;
   d. reporting; and
   e. financial management; and
5. The school's plan for mandatory pre-operational and other trainings.

The Board or committee evaluating the application shall also solicit and consider feedback from existing schools and parent groups within the District and in particular in the area where the proposed charter school will be located.

Utah Admin. Rules R277-552-3(8), (9) (February 9, 2021)

Acceptance or Rejection of Application—

The Board shall act to accept or reject the application for charter school status within forty-five (45) days after initial submission.

If the Board rejects the application, it shall state in writing the specific reasons for rejection.

A rejected applicant may modify its application and resubmit for reconsideration by the Board or may appeal the denial under the procedure set out below.

Utah Code § 53G-5-305(3) (2019)

Funding Requirements—

After an application has been approved, in order to receive state start-up funds, the charter school shall sign the approved charter agreement (including academic goals) with the Board and shall demonstrate to the Board's satisfaction that it has completed all required financial documents and completed background checks for each governing board member. The Board shall then certify the completion of these requirements to the State Board of Education.

Utah Admin. Rules R277-552-4(2) (February 9, 2021)

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In addition, in order to receive state funds for operation, the charter school shall, no later than June 1 prior to the school's first operational year, demonstrate to the Board's satisfaction that:

1. The school's governing board has adopted all policies required by statute or State Board of Education rule, including a draft special education policies and procedures manual;
2. The school's governing board has adopted an annual calendar in an open meeting and has submitted the calendar to the State Superintendent;
3. The Board has received the school's facility contract as required by Utah Code § 53G-5-404(9);
4. The school's building is scheduled for completion, including all required inspections, prior to occupancy and that:
    a. If the facility is a new facility or an existing facility requiring major renovation, the construction was commenced no later than January 1 of the year the school is scheduled to open; or
    b. If the facility is one which requires only minimal renovation, the school has entered into an agreement for such renovation no later than May 1 of the year the school is scheduled to open;
5. Either:
    a. The school has hired an executive director and a business administrator; or
    b. The school governing board has both designated an executive director or business administrator employed by a third party and has also established policies regarding the school's supervision of third-party contractors;
6. The school's enrollment is on track to be sufficient to meet its financial obligations and implement the charter school agreement;
7. The school has an approved student data system that has successfully communicated with UTREx, including meeting the compatibility requirements of Utah Admin. Rules R277-484-6(4);
8. The school has a functional accounting system;
9. The school has a budgeted net lease adjusted debt burden ratio of under 30% based on the school's executed facility agreement; and
10. The school has complied with all legal requirements for new charter schools in a school's pre-operational year.

Upon determining that the charter school has met each of these requirements, the Board shall certify that completion to the State Board of Education so that the school can receive state funding. The District shall maintain documentation of the review and evaluation of these requirements.

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Utah Admin. Rules R277-552-4(3), (4) (February 9, 2021)

Initial Review Period—

The Board's approval of a charter school application constitutes initial approval subject to a three-year review period which begins with the first year of the charter school's operation. Beginning with the first year of the charter school's operation, the Board shall initiate the oversight and review procedures set out below in Accountability and Review. The Board may extend the initial review period for one year, up to two times during the initial review period. At the end of the initial review period, the Board shall either grant the charter school ongoing approval or terminate the charter agreement as provided in this policy and state statute and regulation.

The Board shall, under the minimum standards described in Utah Code § 53G-5-205, base the decision to grant ongoing approval or terminate the charter agreement on:

1. the charter school's compliance with the terms of the charter agreement;
2. whether the charter school is meeting academic standards in the charter school's charter agreement;
3. the charter school's financial viability; and
4. the charter school's capacity to meet governance standards.

Utah Code § 53G-5-307 (2020)

Charter School Website Requirements—

Each charter school shall establish and maintain an operative and readily accessible website which contains the following information:

1. The school's governance structure, including the name, qualifications, and contact information of all governing board members;
2. The number of new students that will be admitted into the school;
3. The school calendar, which shall include:
   a. the first and last days of school;
   b. scheduled holidays;
   c. scheduled professional development days; and
   d. scheduled non-school days;
4. timelines for acceptance of new students consistent with Utah Code § 53G-6-503;
5. the requirement and availability of a charter school student application;
6. the application timeline to be considered for enrollment in the school;
7. procedures for transferring to or from a charter school;
8. timelines for a transfer;

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9. provisions for payment, if required, of a one-time fee per secondary school enrollment, not to exceed $5.00, consistent with Utah Code § 53G-6-503(9);
10. the policies of the governing board; and
11. other items required by the Board, statute, and State Board rule.

Utah Admin. Rules R277-551-5(1) (January 9, 2019)

The school's website shall be operative at least 180 days before the proposed opening date of the school and shall continue to be maintained by the school.

Utah Admin. Rules R277-551-5(3) (January 9, 2019)

Charter Amendment Process—

An "amendment" is a change or addition to a charter agreement. A charter school authorized by the Board may request that the Board agree to an amendment. Such request shall be in writing and shall clearly identify each provision of the agreement sought to be changed, setting forth the existing provision and showing all changes to be made. It shall also clearly identify each addition to be made in the amendment. The request shall also explain the need or reason for the proposed amendment and the benefits to be obtained through the amendment.

Upon receipt of the request for amendment, the Board shall evaluate the proposed changes and determine whether the agreement as amended would continue to satisfy all requirements for a charter agreement. The Board shall also determine whether allowing the amendment is appropriate, considering the interests of the students served by the school and the other students and schools of the District.

The Board shall act to accept or reject the proposed amendment within forty-five (45) days after submission. If the Board rejects the request, it shall state in writing the specific reasons for rejection.

Utah Admin. Rules R277-550-2(1) (February 9, 2021)
Utah Admin. Rules R277-552-5 (February 9, 2021)

Charter School Expansion Requests—

An "expansion" is an increase in the number of grade levels offered by a charter school or an increase in the number of students for which the school is authorized to receive funding. A charter school authorized by the Board may request approval to expand if the school meets each of the following requirements:

1. the school is in compliance with the requirements of federal and state law, regulations, and State Board of Education rules;
2. the request is consistent with the school's charter agreement;
3. the school has maintained, for each of the last three years:
    a. a re-enrollment rate of at least 80%;
    b. a wait list of at least 40% of its annual enrollment; or

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   c. other evidence of market demand satisfactory to the Board;

4. the school is performing:
   a. consistent with or above the school's stated academic goals and
   b. at or above the average student performance of other nearby schools on statewide assessments, unless the school serves a specialized population consistent with the school's charter agreement;
5. if the proposed expansion will require additional physical facilities, the school has maintained a net lease adjusted debt burden ratio of under 25% for each of the last three years;
6. the school's financial statements report revenues in excess of expenditures for at least three of the last four fiscal years; and
7. the school provides any additional information or documentation requested by the Board.

The request shall be made in writing, shall include documentation of each of the foregoing requirements for expansion, and shall also address each of the factors (set forth in the following section) that the Board must find are met before granting the request.

Utah Admin. Rules R277-550-2(7) (February 9, 2021)
Utah Admin. Rules R277-552-6(2), (3), (4) (February 9, 2021)

Before approving the requested expansion, the Board must determine that each of the following requirements are met:

1. The school is meeting the terms of its charter agreement;
2. The school is academically and operationally successful, taking into consideration at least two years of academic performance data of students at the school;
3. The school:
   a. Provides educational services consistent with state law and State Board rule;
   b. Administers and has capacity to carry out statewide assessments (including proctoring such assessments) consistent with Utah Code § 53E-4-303 and Utah Admin. Rules R277-404; and
   c. Provides evidence-based instruction for special populations as required by federal law;
4. The school has adequate qualified administrators and staff to meet the needs of the proposed student population at the school;
5. The school is in compliance with all applicable school legal obligations;

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6. The school is financially viable, as evidenced by the school's financial records, including the school's:
   a. Most recent annual financial report (AFR);
   b. Annual program report (APR); and
   c. Audited financial statement;
7. The school's proposal provides an adequate facility for the school;
8. The school has appropriately dealt with student safety issues, if any.

Utah Admin. Rules R277-552-6(4) (February 9, 2021)

Upon receipt of the request for expansion, the Board shall evaluate the proposed expansion and determine whether all requirements for expansion are met and whether the expansion should be granted.

The Board shall act to approve or reject the proposed expansion before October 1 of the state fiscal year prior to the school year that the school intends to expand. If the Board rejects the request, it shall state in writing the specific reasons for rejection.

If the Board approves the request, it shall by October 1 of the state fiscal year prior to the intended expansion date provide to the State Superintendent the total number of students by grade that the charter school is authorized to enroll.

Utah Admin. Rules R277-552-6(5) (February 9, 2021)

Request for Satellite School—

A "satellite school" is a charter school affiliated with an existing charter school authorized by the Board which has the same governing board and same authorizer as the existing school, may have a similar or different program of instruction as the existing school, but is located at a different site or in a different geographical location than the existing school and has a separate school number than the existing charter school.

Utah Admin. Rules R277-550-2(16) (February 9, 2021)

A charter school authorized by the Board may request approval of a satellite school if the school meets each of the following requirements:

1. The school is fully compliant with federal and state law and regulations and State Board rules;
2. The request is consistent with the school's charter agreement;
3. The school has maintained for each of the past three years:
   a. A re-enrollment rate of at least 80%;
   b. A waitlist of at least 40% of the school's annual enrollment; or
   c. Other evidence of market demand satisfactory to the Board;

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4. All schools operating under the governance of the existing school are performing:
   a. Consistent with or above the school's stated academic goals or
   b. If no student performance goals have been established, above the standardized student assessment measurements of other comparable nearby schools;
5. The school has maintained a net least adjusted debt burden ratio of under 25% for each of the last three years;
6. The school's financial statements report revenues in excess of expenditures for at least three of the last four years;
7. The school provides a market analysis, including documentation of the school's potential for enrollment stability, covering all public schools within a ten mile radius, including analysis of whether nearby schools are at enrollment capacity; and
8. The school provides any additional information or documentation requested by the Board.

Utah Admin. Rules R277-552-7(2) (February 9, 2021)

The Board may only consider an application for a satellite school from a charter school which is authorized by the Board. The request shall be made in writing, shall include documentation of each of the foregoing requirements, and shall also address each of the following factors that the Board must find are met before granting the request:

1. The school is meeting the terms of its charter agreement;
2. There is demonstrated demand for the proposed satellite, taking into consideration the required market analysis;
3. The school is academically and operationally successful, taking into consideration at least two years of academic performance data of students at the school, including whether the school is performing at or above:
   a. The academic goals established in the school's charter agreement; and
   b. The average academic performance of other district and charter schools in the area or schools targeting similar populations or demographics;
4. The school has plans for the new school to:
   a. Provide educational services consistent with state law and State Board rule;
   b. Administer and have capacity to carry out statewide assessments (including proctoring such assessments), consistent with Utah Code § 53E-4-303 and Utah Admin. Rules R277-404; and

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   c. Provide evidence-based instruction for special populations as required by federal law;

5. The school has adequate qualified administrators and staff to meet the needs of the proposed student population at the new school;
6. The school is in compliance with all public school legal obligations;
7. The school is in good standing with its authorizer and
8. The school is financially viable, as evidenced by the school's financial records, including the school's:
   a. Most recent annual financial report;
   b. Annual program report; and
   c. Audited financial statement.

Utah Admin. Rules R277-552-7(3), (4), (5) (February 9, 2021)

The Board shall act to approve or reject the proposed additional school before October 1 of the state fiscal year prior to the school year that the proposed school intends to first serve students. If the Board rejects the request, it shall state in writing the specific reasons for rejection.

If the Board approves the request, it shall by October 1 of the state fiscal year prior to the school year that the proposed school intends to first serve students provide to the State Superintendent the total number of students by grade that the school is authorized to enroll.

If the satellite school does not open within 36 months of approval, the approval expires. If the Board denies the application for a satellite school, the school may immediately apply for a new charter in accordance with the Board's approved processes.

Utah Admin. Rules R277-552-7(6), (8), (9) (February 9, 2021)

Application for the Board to Become the Authorizer of an Existing School—

An existing charter school authorized by an entity other than the Board may apply for the Board to become the school's authorizer. Such an application will apply to all satellite schools. The application for the transfer must be submitted to the Board at least 90 days before the proposed transfer. The application shall include:

1. The name and contact information of all current governing board members;
2. financial records that demonstrate the school's financial position, including the following:
   a. most recent annual financial report (AFR);
   b. annual program report (APR); and
   c. audited financial statement;

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3. test scores, including all state required assessments;
4. current employees and assignments;
5. board minutes for the most recent 12 months; and
6. affidavits, signed by all board members certifying that:
    a. the school is in compliance with all state and federal laws and regulations, including documentation if requested;
    b. all information on the transfer application is complete and accurate;
    c. the school is current with all required school governing board policies;
    d. the school is operating consistent with its charter agreement; and
    e. there are no outstanding lawsuits, judgments, or liens against the school.

The school's current authorizer shall submit a position statement to the Board about the school's status, compliance with the authorizer's requirements, and unresolved concerns. The current authorizer shall also advise the Board if there is any outstanding debt to the current authorizer or to the state.

Prior to approving a request to become the authorizer of an existing charter school, the Board shall request and consider information from the State Board and the current authorizer concerning the school's financial and academic performance.

The Board shall review and make a determination on an application for the Board to become the authorizer of an existing charter school within 60 days of submission of the complete application (including all required documentation). If the Board approves the request, it shall notify the State Superintendent within 30 days.

Utah Admin. Rules R277-552-8 (February 9, 2021)

Accountability and Review—

The Board shall annually review and evaluate the performance of each of its authorized charter schools, including requiring each school to comply with its charter agreement and comply with statute and State Board rule. The annual review shall include and shall document matters specific to effective charter school operation, including financial performance, academic performance, enrollment, and governing board performance. With respect to the first year of a charter school's operation, the review shall include at least one visit to the school to ensure adherence to implementation of the charter agreement and to establish a review process for the school. Subsequent reviews shall include visits as determined in the review process. Following review visits, the Board shall provide the school a written report which sets forth the school's strengths, deficiencies, any proposed corrective actions, and the time for completing those corrective actions.

Utah Admin. Rules R277-553-2(1), (2), (3) (May 26, 2020)

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For each of its authorized charter schools, the Board shall, at least once every five years, conduct and document a comprehensive review of the school's governing board's performance and of the charter agreement.

Utah Admin. Rules R277-553-2(4) (May 26, 2020)

Upon becoming aware of any claim of fraud or misuse of public assets by one of its authorized charter schools, the Board shall notify the State Superintendent of the claim and shall coordinate the investigation of the claim with the State Superintendent.

Utah Admin. Rules R277-553-2(2)(d), (e) (May 26, 2020)

The Board shall coordinate with the State Superintendent in its regular review and monitoring of its charter schools.

Utah Admin. Rules R277-553-2(5) (May 26, 2020)
Utah Code § 53G-5-205(2) (2020)

Remediation of Deficiencies—

The Board's notice to a charter school of deficiencies, required corrective action, and the time for completing corrective action shall also inform the charter school that it has a reasonable time to remedy the deficiency. (This does not apply in cases where immediate termination of the school's charter agreement is appropriate.)

If the charter school fails to remedy the deficiency or deficiencies within the established timeline, then the Board shall place the school on probation for an appropriate time which may be up to one year. Upon placing a school on probation, the Board shall establish a written plan which:

1. Outlines those provisions in the charter agreement, applicable laws, or rules and regulations with which the school is not in compliance;
2. Sets forth the terms, conditions, and timeline that the school shall follow in order to be removed from probation and;
3. Includes a plan for further remedial action if the school fails to comply with the terms of the.

Utah Admin. Rules R277-553-3(3), (4) (May 26, 2020)

The Board shall give written notice of probationary terms imposed on a charter school to the State Superintendent within 30 days.

Utah Admin. Rules R277-553-3(10) (May 26, 2020)

If the school complies with the terms of the written probation plan within the established timeline, the Board shall remove the school from probation. The school request a single extension of no more than 6 months to comply with the plan. The Board may in its discretion grant or deny an extension request. While on probation, a school may seek technical assistance from the Board or District in remedying

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deficiencies. If the school fails to satisfy the probation requirements within the time allowed, the Board shall propose to terminate the school's charter agreement.

Utah Admin. Rules R277-553-3(5), (6), (7) (May 26, 2020)

At any time during probation, for good cause, or if the health, safety, or welfare of the students at the school is threatened, the Board may immediately terminate the school's charter agreement.

Utah Admin. Rules R277-553-3(9) (May 26, 2020)

Remediation of Financial or Safety Deficiencies—

Upon receiving credible information of charter school financial mismanagement or fraud, or a threat to the health, safety, or welfare of students, the Board shall direct an independent review or monitoring, as appropriate, in coordination with the State Superintendent. The Board may also direct a charter school governing board or the charter school administration to take reasonable action to protect students or state or federal funds consistent with Utah Code § 53G-5-503.

Utah Admin. Rules R277-553-6(1), (2) (May 26, 2020)

Upon receipt of findings documenting a threat to the health, welfare, or safety of a school, the Board may:

1. Recommend that the State Superintendent impose corrective action against the school in accordance with Utah Admin. Rules R277-114;
2. Take immediate or subsequent corrective action with charter school governing board members or employees who are responsible for deficiencies consistent with Utah Code § 53G-5-501 (including removal of a finance officer, director, or board member or appointment of an interim director or financial officer or a board member);
3. Transfer operation and control of the charter school to a high performing charter school (including reconstituting the governing board to effectuate the transfer);
4. Identify a remediation team to work with the school; or
5. Immediately terminate the school's charter agreement in accordance with Utah Code § 53G-5-503(5).

Utah Admin. Rules R277-553-6(3) (May 26, 2020)
Utah Code § 53G-5-501(2) (2020)

Upon receipt of findings documenting financial mismanagement or fraud by a charter school, the Board shall coordinate appropriate corrective action with the State Superintendent.

Utah Admin. Rules R277-553-6(5) (May 26, 2020)

The Board may exercise flexibility for good cause in making a recommendation regarding an identified deficiency.

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Utah Admin. Rules R277-553-6(6) (May 26, 2020)

Termination of Charter School Status—

The Board may terminate its agreement with a charter school that it sponsors for the following reasons:

1. Failure to meet the requirements stated in its charter;
2. Failure to meet generally accepted standards of fiscal management;
3. Failure to provide adequate liability and other appropriate insurance as established by statute;
4. Designation of the school as a low performing school under the School Turnaround and Leadership Development Act and failure to improve the school's grade under the conditions described in the School Turnaround and Leadership Development Act;
5. Violation of law, including but not limited to violation of the requirements to
    a. Submit an annual progress report to the Board of Education stating:
        i. The school's progress toward achieving its goals set forth in its charter; and
        ii. Financial records of the school, including revenues, expenditures, and employee salary and benefit levels.
    b. Be non-sectarian in its programs, admission policies, employment practices and operations;
    c. Not charge tuition or fees except those normally charged by public schools;
    d. Not employ an educator whose license is suspended or revoked by the State Board of Education;
    e. Meet all applicable health, safety, and civil rights requirements;
    f. Submit all annual reports required of public schools, including an annual audited financial report;
    g. Meet the applicable accounting principles and reporting standards established by statute;
    h. Meet the data and reporting standards of Utah Code § 53E-3-501;
    i. Issue appropriate grading reports;
    j. Inform parents of how to access the curriculum being used by the school and make the curriculum readily available and accessible for parents to view;
    k. Provide the Board with requested documents as provided by statute;
    l. Not advocate unlawful conduct; or,

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6. Other good cause shown.

Utah Code § 53G-5-503(1) (2019)
Utah Code § 53G-5-404(1), (4), (6), (8), (10), (12), (13), (14) (2020)

Procedure for Termination of Charter Agreement—

If the Board determines that the charter agreement of a school it sponsors should be terminated, then the following procedure shall apply:

1. The Board shall notify the charter's school governing board in writing of the proposed termination and the grounds for termination. This notice shall also inform the school governing board that it may in writing request an informal hearing before the Board regarding the proposed termination.
2. If the school governing board requests a hearing, the Board shall conduct that hearing within 30 days of receiving the request. The hearing shall be conducted under the informal hearing procedures of the Utah Administrative Procedures Act.
3. If following the hearing the Board by majority vote determines to terminate the charter agreement, the school governing body may appeal that decision to the State Board of Education.
4. Notice of the vote to terminate the charter agreement shall be provided to the State Superintendent.

Utah Code § 53G-5-503(2) (2019)
Utah Admin. Rules R277-553-3(9), (11) (May 26, 2020)

Notwithstanding the above, the Board may terminate a charter agreement immediately if good cause therefore is shown or if the health, safety, or welfare of the students at the charter school is threatened, except as provided below for schools with qualifying outstanding bonds.

Utah Code § 53G-5-503(5) (2019)

Actions to Protect Assets or Address Inability to Pay Government—

The Board may petition the district court to appoint a receiver for a charter school authorized by the Board if:

1. The school is subject to closure under this policy and
2. Either:
   a. The school has disposed of its assets in violation of statutes or regulations or there is a demonstrated risk that this will occur, or
   b. The school cannot make repayment of amounts owed to the federal government or the state, or there is a demonstrated risk that this will occur.

The receiver will have the duties and powers as directed by the court. If requested by the Board and directed by the court, the receiver will carry out charter

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school closure procedures as described in statute and State Board of Education rules and as directed by the Board.

Utah Code § 53G-5-501(6)(a) to (c) (2020)

If the above-stated circumstances exist but the Board does not request appointment of a receiver or the court does not appoint a receiver, then the Board:

1. May reconstitute the governing board of the charter school; or,
2. If a new governing board cannot be constituted, the Board shall complete the closure procedures described in Utah Code § 53G-5-504, including liquidation and assignment of assets and payment of debt in accordance with State Board of Education rule, as described in that statute.

Utah Code § 53G-5-501(6)(d) (2020)

However, if the charter school has qualifying outstanding bonds, the Board must obtain the consent of the Utah Charter School Finance Authority before petitioning a court to appoint a receiver, reconstituting the school's governing board, or carrying out closure procedures.

Utah Code § 53G-5-501(6)(e) (2020)

Procedures Applicable to Charter Schools With Outstanding Bonds—

The procedures for remedying deficiencies and for terminating a charter school's charter agreement are modified where the school has outstanding bonds issued under the Charter School Credit Enhancement Program, as follows.

The notice of deficiencies shall also be given to the Utah Charter School Finance Authority. The Board must also give notice to that agency before it may take one of the actions other than termination. Where the Board seeks to terminate the school's charter agreement, the notice of proposed termination and grounds for termination is also provided to the Utah Charter School Finance Authority. The hearing on termination is held at least 120 days after the notice is given to the Authority and the charter school governing board (rather than 30 days). Before the hearing is held, the Authority will meet with the Board to determine whether the deficiency may be remedied in lieu of termination of the charter agreement. If after the hearing the Board votes to terminate the charter agreement, termination nevertheless may not be effected without the agreement of the Authority. Similarly, where immediate termination of a charter agreement might be appropriate, such termination cannot be effected without the agreement of the Authority.

Utah Code § 53G-5-501(1)(b), (4) (2020)
Utah Code § 53G-5-503(2)(a)(ii), (2)(e), (3) (2019)

Appeals from Board Actions—

Subject to and pursuant to the rules and procedures established by the State Board of Education, the following actions may be appealed to the State Board:

1. Termination of a charter agreement;

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2. Denial of proposed amendments to a charter agreement;
3. Denial or withholding of funds from the charter school governing board; and
4. Denial of a charter application.

In taking any of these actions, the Board shall provide written notice to the charter school governing board chair or authorized agent of the action and of appeal rights and timelines. (An appeal must be submitted to the State Superintendent within 14 calendar days of the challenged action.) The Board shall also post information about the appeals process on its website and shall provide training to charter school governing board members and authorized agents regarding the appeals process.

Utah Admin. Rules R277-553-7(1), (2), (3) (May 26, 2020)

School Operation Following Termination—

If a charter agreement is terminated, then the District may either assume management and operation of the charter school or may upon application permit the governing board of another charter school, a private management company, or the governing board of a nonprofit corporation to operate the school.

Utah Code § 53G-5-503(6) (2020)

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District Annual Reports

Fiscal year—

The District's fiscal year begins on July 1 and ends on June 30.

Utah Code § 53G-4-403(1) (2019)

Annual fiscal audit and report—

The District's accounts shall be audited annually at District expense by an independent auditor who is a competent certified public accountant. The audit shall be conducted in conformance with the requirements of Utah Code § 51-2a-102(2), and an audit report will be prepared according to the requirements of Utah Code § 51-2a-102(3). The District shall use fund and program accounting methods and standardized account codes capable of producing financial reports that comply with generally accepted accounting principles, financial reporting requirements established by the State Board of Education under Utah Code § 53E-3-501, and accounting standards established by the state auditor as described in Utah Code § 51-2a-301. Copies of the audit report shall be submitted as follows:

1. A copy of the audit report shall be submitted to the State Superintendent of Public Education by October 1.
2. After any necessary audit adjustments are made to the audit report and verified by the auditor or auditors, the completed audit report shall be delivered to the State Superintendent of Public Education by November 30.
3. A copy of the completed audit report shall be filed with the State Auditor no later than December 31.

Utah Code § 51-2a-102 (2017)
Utah Code § 51-2a-201(1) (2017)
Utah Code § 51-2a-202 (2019)
Utah Code § 53G-4-404 (2020)

Other statistical and financial reports—

The District shall forward statistical and financial reports for the preceding school year, containing items required by law or by the State Board of Education, to the State Superintendent at the times and in the forms and containing the information required by the State Board of Education.

Utah Code § 53G-4-403 (2019)
Utah Code § 53G-4-404 (2019)
Utah Admin. Rules R277-484-1 (March 15, 2022)
Utah Admin. Rules R277-484-3 (March 15, 2022)
Utah Admin. Rules R277-484-4 (March 15, 2022)

Annual letter of assurances—

Unless authorization for later submission has been obtained from the State Board of Education, by July 1 of each year, the Board shall send the State

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Superintendent of Public Education the Board's responses to the assurance document and other compliance forms. The Board's assurance document shall contain a signed attestation by the appropriate authority attesting to the accuracy and validity of all responses and assurances provided by the District.

Utah Admin. Rules R277-108-3 (June 24, 2021)
Utah Admin. Rules R277-108-5 (June 24, 2021)
Utah Admin. Rules R277-108-6 (June 24, 2021)

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Revenue and Budgeting:
State

Uniform school fund—

The District participates in the Uniform School Fund, which the State Board of Education apportions annually among school districts according to the provisions of the Minimum School Program.

Utah Constitution, Article X, Sec. 5
Utah Code Title 53F, Chapter 2

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Revenue and Budgeting:
Local Revenue

Borrowing in Anticipation of Taxes—

The Board may borrow money in anticipation of the collection of taxes or other revenue of the School District so long as it complies with the Utah Local Government Bonding Act.

Utah Code § 53G-4-602(1) (2018)
Utah Code § 11-14-101 et seq.

Indebtedness Purposes and Limitations—

The Board may incur indebtedness for any purpose in the interest of education but shall not incur any indebtedness in excess of the estimated District revenues for the current school year.

Utah Code § 53G-4-602(2) (2018)

Voting to Incur Bonded Indebtedness—

The Board may in conformance with the Utah Local Government Bonding Act require, by a majority vote of the Board members, that the qualified voters of the District vote on a proposition as to whether to incur indebtedness by bonding, provided that:

1. The debts of the District are equal to school taxes and other estimated revenues for the school year and additional indebtedness must be incurred by the District to maintain and support schools in the District; or
2. The Board determines that it is advisable to issue school district bonds to purchase school sites, buildings or furnishings or to improve school district property.

Utah Code § 53G-4-603(2) (2018)
Utah Code § 11-14-101 et seq.

Before a bond approval measure may be submitted to the voters, the Board must comply with the requirements of the Transparency in Ballot Propositions Act, including publication of arguments for and against the bond issue and holding a public meeting on the measure as required by the Act.

Utah Code § 11-14-201(1)(b) (2014)
Utah Code § 59-1-1601 et seq.

Restriction on Use of Bond Funds—

The proceeds of bond issuances must be used in accordance with the plan of finance specified in the bond election voter information pamphlet or in accordance with the plan of finance as adjusted by the Board of Education. Such adjustment

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may only be made upon a determination of compelling circumstances and with a two-thirds majority approval of the Board of Education.

Utah Code § 53G-4-603(4), (5) (2018)

Refunding Bonds—

If the Board determines that it desires to refund bonds, it shall follow the following procedure to determine the validity of the bond or bonds:

1. The Board shall have published once a week for two successive weeks in a newspaper published in the District, and give as required by Utah Code § 45-1-101, and post for two successive weeks in three public and conspicuous places in the District, a notice which satisfies the following requirements:
   a. It describes with sufficient particularity for identification the bond or bonds intended to be refunded.
   b. It requires any person objecting to the legality, regularity, or validity of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before the Board at a specified place within the District on a specified day and time.
      i. This time may not be less than 14 nor more than 60 days after the first publication or posting of the notice.
   c. It requires the person to appear at the meeting with his objections in writing, duly verified.
2. The Board shall convene at the time and place specified in the notice and receive all objections which satisfy the requirements of the notice.
3. The objections shall be filed with and preserved by the Board.
4. If no written objections are presented at the time and place specified in the notice, the Board shall so certify and the Board may then refund the bonds.
5. Any person filing a written objection as stated above has 20 days to commence appropriate legal proceedings against the Board and others as may be proper parties, in the district court for the county in which the school district is situated, to challenge and determine the legality, regularity, and validity of the bond or bonds, their issue and sale, or the indebtedness represented by them.
6. If a person filing a written objection fails to commence legal proceedings against the Board within 20 days, and that failure is established by a certificate of the clerk of the court, the challenge to the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds is barred, and the Board may refund the bonds.

Utah Code § 53G-4-605 (2018)

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Voted local levy—

The Board may, in accordance with Utah Code § 53F-2-601, request voter approval of a state-supported local levy and, if the ballot measure is approved, impose the levy.

Before a Board-initiated voted local levy measure may be submitted to the voters, the Board must comply with the requirements of the Transparency in Ballot Propositions Act, including publication of arguments for and against the measure and holding a public meeting on the measure as required by the Act. (Compliance with the Act is not required where the voted local levy measure is initiated by citizen initiative.)

Utah Code § 53F-2-601 (2021)
Utah Code § 59-1-1601 et seq. (2014)

Board-approved leeway—

The Board may, in accordance with Utah Code § 53F-8-404, levy a tax rate up to .0004 per dollar of taxable value within the local levy rate threshold. This levy does not require voter approval but the Board by majority vote may condition imposition of the levy on voter approval.

If the levy is submitted to the voters for approval, the Board must comply with the requirements of the Transparency in Ballot Propositions Act, including publication of arguments for and against the measure and holding a public meeting on the measure as required by the Act.

Utah Code § 53F-8-404 (2018)
Utah Code § 59-1-1601 et seq. (2014)

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CABA

Revenue and Budgeting:
Local Revenue:
Local Foundations

Local school foundation—

The District may with Board approval establish a local educational foundation to assist in developing and implementing programs to promote educational excellence and assist in accomplishing other educational objectives.

Utah Code § 53E-3-403(1) (2019)

Powers of foundation—

A local educational foundation established by the District:

1. May solicit and receive contributions from private enterprises earmarked for use in the foundation's programs to promote educational excellence;
2. May not incur contractual obligations or liabilities which in any way constitute a claim against the school district's funds;
3. May not exercise executive, administrative or rule making authority over the programs except to the extent specified by the Board; and
4. Is exempt from all taxes levied by the state or any of its political subdivisions with respect to any activity undertaken to promote or undertaken in connection with promotion of educational excellence.

Utah Code § 53E-3-403(2) (2019)

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Revenue and Budgeting:
Budget

School Board Budget—

Before June 30 of each year, the Board shall adopt a budget and make appropriations for the next fiscal year.

Utah Code § 53G-7-303(2)(a) (2019)

Tax Rate—

If the tax rate in the proposed budget exceeds the tax rate defined in Utah Code § 59-2-924, the Board shall comply with the provisions of Utah Code § 59-2-919, unless one of the exceptions to those provisions (relating to prior voted local levy increases) set forth in Utah Code § 53F-8-301 applies.

Utah Code § 53G-7-303(2)(b) (2019)
Utah Code § 53F-8-301 (2018)

Adoption of a Budget—

Before the adoption of a budget, the Board shall hold an open, public hearing on the proposed budget, at which public comment is received. In preparation for the hearing, the Board shall:

1. In addition to complying with the open meeting notice requirements set forth in Policy BEA, publish notice that the Board will consider and adopt a budget at the designated Board meeting in a newspaper of general circulation within the District at least ten days before the day on which the meeting is held;
2. File a copy of the proposed budget with the Business Administrator for public inspection at least ten days prior to the hearing; and
3. Post the proposed budget on the District's website.

Utah Code § 53G-7-303(3) (2019)

Filing Budget—

The Board shall file a copy of the adopted budget with the state auditor and the State Board of Education.

Utah Code § 53G-7-303(5) (2019)

Undistributed Reserve—

The Board may place an undistributed reserve in the budget that does not exceed 5% of the maintenance and operation budget in accordance with the schedule adopted by the State Board of Education.

Utah Code § 53G-7-304(1) (2019)

Application of Undistributed Reserve—

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The Board may appropriate all or part of the undistributed reserve made to any expenditure classification in the maintenance and operation budget by a written resolution adopted by a majority vote of the Board. The resolution shall state the reasons for the appropriation. A copy of the resolution shall be filed with the State Board of Education and the State Auditor.

Utah Code § 53G-7-304(2) (2019)

Restrictions on Use of Undistributed Reserve—

The Board may not use the undistributed reserve in the negotiation or settlement of contract salaries for District employees.

Utah Code § 53G-7-304(3) (2019)

Limit on Appropriations—

The Board shall not make an appropriation in excess of the District's estimated expendable revenue, including undistributed reserves, for the following fiscal year.

Utah Code § 53G-7-305(2) (2019)

Reduction of Budget Appropriations—

The Board may reduce any budget appropriation at its regular meetings if notice of the proposed action is given to all Board members and the Superintendent at least one week prior to the meeting.

Utah Code § 53G-7-305(3) (2019)

Increase in Budget Appropriations—

The Board may increase any budget appropriation only if:

1. The Superintendent in writing requests the Board to increase a specified budget appropriation and states the reasons for the proposed increase;
2. Notice that the request will be considered by the Board is published in a newspaper of general circulation and provided as required by Utah Code § 45-1-101 at least one week before the Board meeting at which the request will be considered; and
3. The Board holds a public hearing on the request before acting on the request and approves the increase by a majority vote of Board members.

Utah Code § 53G-7-305(7) (2019)

Prohibition of Inter-fund Transfers—

District revenues shall only be spent within the fund for which those revenues were originally authorized, levied, collected, or appropriated, and inter-fund transfers of residual equity may not be made unless expressly authorized by the State Board of Education.

Utah Code § 53G-7-306 (2021)

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Revenue and Budgeting:
District Audit Committee

Appointment—

The Board of Education shall establish a district audit committee as a standing committee of the board and shall appoint the members of the committee and replace such members from time to time. The committee shall consist of [three] [two] members of the Board of Education and [three] [two] members having appropriate character and qualifications but who are not administrators or other employees of the district. The District website shall post the names of the Board members serving on the audit committee[,the name and contact information of the internal audit director, and a copy of the District's annual audit plan.] *[Districts with seven member boards of education must have three board members on the audit committee and are suggested to have three other members; districts with five member boards of education must have two board members on the audit committee and are suggested to have two other members. Districts who are required to have an internal audit program are required to post the name and contact information of the internal director and a copy of the annual audit plan on the District's website. This note and the nonapplicable bracketed references and language should be deleted when this policy is prepared for adoption by the board.]*

Utah Code § 53G-7-401(1) (2018)
Utah Admin. Rules R277-113-4(3) (November 8, 2021)

Training—

The president of the Board of Education shall ensure that members of the Board and of the audit committee are provided with training on the requirements of Utah Code Title 53G, Chapter 7, Part 4, Internal Audits and of Utah Admin. Rules R277-113-4 as part of the member on-boarding process. This training shall comply with Utah Code Title 63G, Chapter 22, State Training and Certification Requirements and shall use the online training and informational materials provided by the State Superintendent in accordance with Utah Admin. Rules R277-113-3(3).

Utah Admin. Rules R277-113-4(1), (2) (November 8, 2021)

Responsibilities—

The audit committee shall have the following responsibilities:

1. ensure the District obtains all audits, agreed-upon procedures, engagements, and financial reports required by Utah Code § 51-2a-201 and Utah Code § 53G-5-404(4);
2. ensure that corrective action on findings, concerns, issues and exceptions reported by independent external auditors, internal auditors, or other regulatory bodies are resolved in a timely manner by District administration;

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3. present, as appropriate, information and reports from the audit committee's meetings to the Board of Education;
4. receive, as appropriate, reports of reviews, monitoring, or investigations conducted by District administration and ensure appropriate corrective action is taken in a timely manner;
5. with regard to engagements completed by an independent external auditor, the District audit committee shall (a) manage the audit procurement and quality process in compliance with the state procurement code (Utah Code Title 63G, Chapter 6a) and Utah Administrative Rules R123-5, (b) ensure that the independent external auditor has access to directly communicate with the audit committee, (c) review disagreements between independent external auditors and District administration, (d) consider District responses to audits or agreed-upon procedures, and (e) determine the scope and objectives of other non-audit services, as necessary;

   [The remaining items in this list only need to be included for school districts with 10,000 or more students]

6. establish an internal audit program that provides internal audit services for the programs administered by the District;
7. advise the Board of education in the appointment of an audit director or in contracting for internal audit services in accordance with Utah Code § 53G-7-402(3);
8. conduct or advise the Board of Education board in an annual evaluation of the internal audit director or contractors providing internal audit services;
9. prioritize the internal audit plan based on risk, receive regular updates on the internal audit plan and internal audit project progress, receive final internal audit reports from internal auditors or contractors providing internal audit services, and provide an independent forum for internal auditors, internal audit contractors, and other regulatory bodies to report findings of fraud, waste, abuse, non-compliance, or control weaknesses, particularly if District administration is involved;
10. ensure that copies of all reports of audit findings issued by the internal auditors are available upon request to the audit director of the State Board of Education, the Office of the State Auditor, or the Office of Legislative Auditor General;
11. ensure that significant audit matters that cannot be appropriately addressed by the internal auditors are referred to the audit director of the State Board of Education, the Office of the State Auditor, or the Office of Legislative Auditor General; and
12. advise the Board of Education regarding appointment of an audit director (if the Board determines to appoint an audit director) or regarding a contract for

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internal audit services (if the Board contracts directly for internal audit services rather than appointing an audit director).

Utah Code § 53G-7-401(2), (5) (2018)
Utah Code § 53G-7-402(3), (4), (5) (2019)
Utah Admin. Rules R277-113-4(4), (5), (6) (November 8, 2021)

Internal Audit Program—

[This section should be included only by districts with 10,000 or more students] The audit committee shall establish an internal audit program. An "internal audit program" is an audit function conducted by the Board of Education which is independent of other district offices, objectively evaluates the effectiveness of district operations (including governance, risk management, internal controls, and efficiency of operations), and is conducted in accordance with either the current International Standards for the Professional Practice of Internal Auditing or the Government Auditing Standards issued by the Comptroller of the United States. An "audit director" is an individual who directs the internal audit program. With the advisement of the audit committee, the Board of Education may appoint an audit director. The audit director may not have responsibilities for management or operation of the District. If the audit director contracts with a consultant, the contractual agreement with the consultant must comply with the District procurement policy. Rather than appointing an audit director, the Board of Education may also, with the advisement of the audit committee, contract directly for internal audit services.

Utah Code § 53G-7-401(2), (5) (2018)
Utah Code § 53G-7-402(3) (2019)
Utah Admin. Rules R277-113-4(3), (6) (November 8, 2021)

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Created: 5 May 2015
Modified: 10 May 2021

CAE

Capital Outlay Reporting:
School Plant Capital Outlay Report

School Plant Capital Outlay Report—

The district shall prepare and submit an annual school plan capital outlay report to the state auditor on or before the date designated by the state auditor and according to requirements established by the state auditor.

Utah Code § 53E-3-705 (2021)

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Financial Reporting

Definitions—

The following definitions apply in this policy:

1. "Generally Accepted Accounting Principles" ("GAAP") means a common framework of accounting rules and standards for financial reporting promulgated by either FASB or GASB, as applicable to the District.
2. "Financial Accounting Standards Board" ("FASB") means the board whose purpose is to establish GAAP for nongovernmental entities within the United States.
3. "Governmental Accounting Standards Board" ("GASB") means the board whose purpose is to establish GAAP for state and local governments within the United States.
4. "Generally Accepted Auditing Standards" ("GAAS") means a set of auditing standards and guidelines promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants.
5. "Generally Accepted Government Auditing Standards" ("GAGAS") means a set of auditing standards and guidelines promulgated by the Government Accountability Office.

Utah Admin. Rules R277-113-2(5) - (9) (November 8, 2021)

District Financial Reporting—

The District shall arrange for external audits of District financial reporting, compliance, and performance in accordance with GAAS and GAGAS. The District's financial reporting shall be done in a manner consistent with the basis of accounting as required by GAAP, as applicable to the District. Beginning with state fiscal year 2021, the basis for accounting shall be GASB. The District shall provide data and information consistent with budgeting, accounting (including the uniform chart of accounts for local educational agencies), and auditing standards for Utah local educational agencies provided online annually by the State Superintendent.

Utah Admin. Rules R277-113-5(9)(g) (November 8, 2021)

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District Fiscal Responsibilities

Establishment and Maintenance of Fiscal Policies and Procedures—

The District shall establish fiscal policies and procedures which shall address all applicable state and federal statutes and regulations. These may have different components, specificity, and levels of complexity for the District's elementary and secondary schools. They may reference specific training manuals or other resources that provide detailed descriptions of business practices which are too lengthy or detailed to include in the policy. The District's fiscal policies shall at a minimum address (1) program accounting, (2) cash handling, (3) expenditures, (4) fundraising, (5) donations and gifts, and (6) financial reporting. (These areas may be covered in one or more policies.)

Utah Admin. Rules R277-113-5(4), (5), (6), (8), (9) (November 8, 2021)

Review and Training—

The District shall regularly review its fiscal policies and procedures. The District shall develop and follow a plan for annual training of District employees on policies and procedures specific to job function.

Utah Admin. Rules R277-113-5(1), (2) (November 8, 2021)

Notice and Availability of Fiscal Policies—

The District's fiscal policies and procedures shall be made available at the District office, at individual District schools, and on the District's website.

Utah Admin. Rules R277-113-5(3) (November 8, 2021)

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Program Accounting

Accounting Requirements—

The District shall establish internal controls and procedures to record program revenues and expenditures in accordance with GAAP and the school fee provisions in Utah Admin. Rules R277-407-13. The District shall implement program accounting which accurately reflects the use of funds for allowable costs and activities, requires that transactions be recorded when they occur, allows adjusting journal entries during the year and at the end of the year, in accordance with GAAP, and requires that initial transactions, and adjusting entries if applicable, be recorded in the proper program, using the following codes as established by the State Board of Education approved chart of accounts:

1. Fund;
2. Function;
3. Program;
4. Location; and
5. Object or revenue code, as applicable.

Utah Admin. Rules R277-113-5(9)(a), (b) (November 8, 2021)

The District shall:

1. record revenues and expenditures in compliance with the State Board of Education approved chart of accounts;
2. record expenditures using school location codes that can be mapped to official school location codes used in the State Board of Education system of record;
3. record expenditures using approved district and school codes in the State Board of Education system of record;
4. submit expenditures using location codes in the Utah Public Education Financial System;
5. perform program accounting in accordance with GAAP and Utah Admin. Rules R277-113; and
6. beginning with the fiscal year that begins on July 1, 2021, accrue school fees and fee waivers and use contra-revenue accounts to record fee waivers in the District's accounting system.

Utah Admin. Rules R277-113-8(1) (November 8, 2021)

The District shall record and annually report each school in the District's expenditures for salaries, benefits, supplies, contracted services, and equipment. If the District pays for contracted services that occur at the school level, the District

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shall record the payments to the contractors in the appropriate function and object codes for these categories of expenditures at the school level. Centralized administrative costs shall be recorded to the administrative location code. If the District reports expenditures in programs, the District shall report the expenditures to one or more schools.

Utah Admin. Rules R277-113-8(2), (3), (4), (6) (November 8, 2021)

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Procurement

Scope of Procurement Policies—

This policy and the other policies in series CB, CC, and CD govern procurement by the District. To "procure" means to acquire a procurement item through a procurement. "Procurement" means acquisition of a "procurement item" through an expenditure of public funds, or an agreement to expend public funds. A "procurement item" includes an item of personal property, a technology, a service, or a construction project. The procurement process consists of all functions that pertain to the obtaining of a procurement item, including preparing and issuing a solicitation, conducting a standard procurement process, or conducting a procurement process that is an exception to a standard procurement process under Policy CBF.

Utah Code § 63G-6a-103(53), (54), (55) (2022)

Except as specified in the following paragraph or elsewhere in the procurement policies, the District's procurement policies apply to apply to every procurement.

Utah Code § 63G-6a-107.2(1) (2020)
Utah Code § 63G-6a-107.6 (2021)

Exclusions—

The District's procurement policies and regulations do not apply to:

- The acquisition or disposition of real property or an interest in real property, including a lease of real property

  Utah Code § 63G-6a-107.6(2) (2021)
  Utah Code § 63G-6a-1209(2) (2013)

- Employment contracts or collective bargaining agreements

  Utah Code § 63G-6a-103(77)(c) (2022)

- The District's acquisition of a procurement item from another public entity

  Utah Code § 63G-6a-107.6(1)(a) (2021)

- Procurement according to the requirements of the source of the funds (for example, conditions of a gift or bequest)

  Utah Code § 63G-6a-107.2(2)(a) (2020)

- Grants (except for Policy CDD, which does apply)

  Utah Code § 63G-6a-107.6(3)(b) (2021)
  Utah Code § 63G-6a-103(35) (2022)

- Hiring a mediator, arbitrator, or arbitration panel member to participate in the District's dispute resolution efforts

  Utah Code § 63G-6a-107.6(5) (2021)

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- Expenditure of funds administered under the Percent-for-Art Program (except for Policy CDD, which does apply to such expenditures)

  Utah Code § 63G-6a-107.6(3)(a) (2021)

Intent to Comply with Other Laws and Regulations—

It is the District's intent and purpose to comply with the Utah Procurement Code (Title 63G, Chapter 6a of the Utah Code) and with such regulations as are promulgated by the Utah Procurement Policy Board, which is the rulemaking authority for procurement by the District. To the extent that the District's procurement policies conflict with either the Procurement Code or with applicable regulations, those code provisions or regulations shall govern.

Utah Code § 63G-6a-103(6), (29), (38), (76)(e) (2022)
Utah Code § 63G-6a-106(1) (2021)
Utah Code § 63G-6a-107.2(1) (2020)
Utah Code § 63G-6a-107.7 (2020)

If the procurement involves expenditure of federal or state assistance, federal contract funds, local matching funds, or federal financial participation funds, the District shall comply with mandatory applicable federal law or state law and regulations regardless of conflict with these Policies, state regulations, or the Utah Procurement Code.

Utah Code § 63G-6a-107.2(2)(b) (2020)

Definitions—

In addition to the definitions above or in other procurement policies, the following definitions apply to the District's procurement policies:

"Contract" means an agreement for a procurement.

Utah Code § 63G-6a-103(15) (2022)

"Contractor" means a person who is awarded a contract with the District.

Utah Code § 63G-6a-103(17) (2022)

"Days" means calendar days, unless expressly provided otherwise.

Utah Code § 63G-6a-103(22) (2022)

"Grant" means an expenditure of public funds or other assistance, or an agreement to expend public funds or other assistance, for a public purpose authorized by law, without acquiring a procurement item in exchange.

Utah Code § 63G-6a-103(35) (2022)

"Procurement Official" means the Board of Education or the person designated by the Board of Education as a District Procurement Official.

Utah Code § 63G-6a-103(56)(j) (2022)

"Public entity" means the state or any other government entity within the state that expends public funds.

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Utah Code § 63G-6a-103(61) (2022)

"Technology" means "information technology," which is all computerized and auxiliary automated information handling, including all items set forth in Utah Code § 63A-16-102(8).

Utah Code § 63G-6a-103(89) (2022)
Utah Code § 63A-16-102(8) (2022)

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Procurement:
General Procurement Policies

Standard Procurement Processes—

Except as described below regarding exceptions, procurements by the District must be conducted using a "standard procurement process." The standard procurement processes are (1) bidding, as described in Policies CBB and CBC; (2) requests for proposals, as described in Policy CBD; (3) the approved vendor list, as described in Policy CBDB, (4) small purchases, as described in Policy CBE, and (5) the design professional process, as described in Policy CCF.

Utah Code § 63G-6a-103(85) (2022)

Supplemental Procurement Procedures—

A supplemental procurement procedure can be used to assist with a standard procurement process. The supplemental procurement processes are (1) request for information, as described below, and (2) request for statement of qualifications, as described in Policy CBDA.

Utah Code § 63G-6a-401 (2016)

Best and Final Offers Only Permitted with Requests for Proposals—

The best and final offer process may only be used with a request for proposals process. It may not be used with any other procurement process.

Utah Code § 63G-6a-707.5(1) (2020)

Exceptions to Standard Procurement Processes—

The only other permissible procurement methods apart from the standard procurement processes are procurements under the following procedures as described in Policy CBF: Sole Source Procurement, Transitional Costs/Best Interest Procurement, Specified Circumstances Procurement, Extension of Contract, Trial Use Contract, Emergency Procurement, Prison Industry Goods Procurement, and Community Rehabilitation Program Procurement.

Utah Code § 63G-6a-802 (2021)
Utah Code § 63G-6a-802.3 (2020)
Utah Code § 63G-6a-802.7 (2020)
Utah Code § 63G-6a-803 (2021)
Utah Code § 63G-6a-804 (2020)
Utah Code § 63G-6a-805 (2016)
Utah Admin. Rules R33-8-101 (May 23, 2022)

Request for Information—

A "request for information" is a nonbinding process where the District requests information relating to a procurement item. The purpose of a request for

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information is to obtain information, comments, or suggestions before issuing a solicitation.

Utah Code § 63G-6a-103(68) (2022)
Utah Code § 63G-6a-409(1) (2020)

A request for information may seek a wide range of information, including for example information on availability of a procurement item, delivery schedules, industry standards and practices, product specifications, training, new technologies, capabilities of potential providers of a procurement item, and alternate solutions.

A request for information is not a procurement process and may not be used to negotiate fees, make a purchase, enter into a contract, or determine whether a procurement may be made under an exception to the standard procurement processes. Similarly, a response to a request for information is not an offer and may not be accepted to form a binding contract. Information submitted to the District by others or by the District to others in connection with a request for information is considered "protected" information under the Utah Government Records Access and Management Act and Policy GA. The request should inform potential responders that to establish such protection for trade secrets, commercial information, or non-individual financial information the submitting entity must provide with the information a written claim of business confidentiality and a concise statement of reasons supporting the claim.

Utah Code § 63G-6a-409 (2020)
Utah Code § 63G-2-309(1)(a)(i) (2019)
Utah Admin. Rules R33-5-101 (May 23, 2022)

Specifications—

Solicitations for procurements issued by the District shall include specifications. Each specification shall be drafted with the objective of clearly describing the District's requirements and encouraging competition and shall emphasize the functional or performance criteria necessary to meet the District's needs.

A person with a conflict of interest, or who anticipates responding to the proposal for which the specifications are written, may not participate in writing specifications. The District may retain the services of a person to assist in writing specifications, scopes of work, requirements, qualifications, or other components of a solicitation. However, a person retained to assist in writing specifications may not, at any time during the procurement process, be employed in any capacity by, nor have an ownership interest in, an individual, public or private corporation, governmental entity, partnership, or unincorporated association bidding on or submitting a proposal in response to the solicitation. (This restriction does not apply to design-build construction projects or to a procurement that the Procurement Official or Board of Education or its designee determines in writing that the restriction should not apply.) Violations may result in the bidder or offeror being declared ineligible for award of the contract, the solicitation being canceled, termination of an

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awarded contract, or any other action determined to be appropriate by the Board of Education or its designee.

Brand name or equal specifications may be used when the phrase "or equivalent" is included within the specification and as many other brand names as practicable are also included in the specification. Brand name or equal specifications shall include a description of the particular design and functional or performance characteristics required. Specifications unique to the brands shall be described in sufficient detail that another person can respond with an equivalent brand. If only one brand can meet the requirement, the District shall solicit from as many providers of the brand as practicable. If there is only one provider that can meet the requirement, the District shall conduct the procurement as a sole source procurement in accordance with Policy CBF.

When a manufacturer's specification is used in a solicitation, the solicitation shall state the minimum acceptable requirements of an equivalent. When practicable, the District shall name at least three manufacturer's specifications.

Utah Code § 63G-6a-111 (2016)
Utah Admin. Rules R33-4-103 (May 23, 2022)

Procurement Notice Requirements—

The District shall post notice of a solicitation in one or more of the following ways:

- on the District's main web site; or
- on a state web site that is owned, managed by, or provided under contract with, the Utah Division of Purchasing and General Services for posting a public procurement notice.

The notice shall be posted at least seven days before the day of the deadline for submitting a solicitation response. This notice period may be reduced if the Procurement Official signs a written statement that a shorter time is needed and that it has been determined that competition from multiple sources may be obtained within that shorter time period.

It is the responsibility of a person seeking information provided by a published notice of solicitation to seek out, find, and respond to the notice. As a courtesy and to promote competition, the District may—but is not required to—provide individual notice.

Utah Code § 63G-6a-112 (2021)

Price Based on Established Terms—

In establishing the price of a procurement item, the District may use a price list, rate schedule, or catalog submitted by a vendor and accepted by the District or mandated by the District or a federal agency. The District may also establish the price based on a federal regulation for a health and human services program.

Utah Code § 63G-6a-113 (2016)

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Cancellation of Solicitation—

As provided for by statute, the District may cancel a solicitation if the Procurement Official determines that doing so is in the best interests of the District. When a solicitation is canceled in this way, the Procurement Official shall explain in writing the reasons for the cancellation and the District shall make that explanation available to the public for one year after the cancellation.

Utah Code § 63G-6a-119 (2020)

Cancellation and Rejection of Bids and Proposals—

As provided in the regulations issued by the Procurement Policy Board, when it is in the best interests of the District to do so, the District may, before the deadline for response to a solicitation, cancel an invitation for bids, a request for proposals, or other solicitation or reject any or all bids or proposal responses, in whole or in part, as may be specified in the solicitation. When the District takes such an action, the reasons for the cancellation or rejection shall be made a part of the contract file and shall be available for public inspection. Following cancellation, the District shall either resolicit responses to a solicitation (using the same or revised specifications) or withdraw the requisition for the procurement item.

Utah Code § 63G-6a-902 (2020)
Utah Admin. Rules R33-9-101 (May 23, 2022)

Rejecting a Solicitation Response—

The District may reject a solicitation response if it is not responsive, violates a solicitation requirement, or is submitted after the deadline. The District may reject a solicitation response if the submitting vendor is not responsible, is in violation of the procurement code or regulations, has engaged in unethical conduct, is subject to an outstanding tax lien, or if after submission there is a change in the vendor's circumstances which if known at the time of submission would have caused the District to reject the response. The District may also reject a response if the vendor fails to sign a contract awarded as a result of the response by the deadline established in the solicitation or within 90 days after award, if no deadline is specified. If the District rejects a solicitation response, it shall provide a written statement of the reasons to the vendor.

Utah Code § 63G-6a-120 (2020)

Procurement Official Authority Regarding Procurement and Contracts—

The Procurement Official has authority to (1) manage and supervise any procurement to ensure, to the extent practicable, that taxpayers receive the best value; (2) prepare and issue standard specifications for procurement items; and (3) review contracts, coordinate contract compliance, conduct contract audits, and approve change orders. The Procurement Official may delegate the Official's duties and authorities to an employee of the District as the Official determines is appropriate.

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At any stage of the procurement process, upon determining that a District procurement is out of compliance with the Utah Procurement Code or governing regulations, the Procurement Official may correct, amend, or cancel the procurement.

If, at any time during the term of a contract awarded by the District, the Procurement Official determines that the contract is out of compliance with the Utah Procurement Code or governing regulations, the Procurement Official may correct or amend the contract to bring it into compliance or cancel the contract, after consulting with legal counsel, if the Procurement Official determines that correcting, amending, or canceling the contract is in the District's best interest.

Utah Code § 63G-6a-106(3) (2021)

Correction of Immaterial Errors—

A "solicitation" is an invitation for bids, request for proposals, or request for statement of qualifications.

A "vendor" is a person who seeks to enter into a contract with the District to provide a procurement item and includes a bidder, an offeror, an approved vendor; and a design professional.

An "immaterial error" is an irregularity or abnormality that is either a matter of form that does not affect substance or an inconsequential variation from a requirement of a solicitation that has no, little, or a trivial effect on the procurement process and that is not prejudicial to other vendors. Immaterial errors include (1) a missing signature, missing acknowledgment of an addendum, or missing copy of a professional license, bond, or insurance certificate; (2) a typographical error; (3) an error resulting from an inaccuracy or omission in the solicitation; and (4) any other error that the Procurement Official reasonably considers to be immaterial.

Utah Code § 63G-6a-103(36), (81), (93) (2022)

The District may allow a vendor to correct an immaterial error in a responsive solicitation response. If correction is allowed, the District shall require it to be made in writing and shall establish a deadline for making the correction (corrections may not be accepted after the established deadline).

Utah Code § 63G-6a-114 (2020)
Utah Code § 63G-6a-410(7) (2020)

Request for Clarification or Additional Information—

In this section, "solicitation," "vendor," and "immaterial error" have the same meaning as in "Correction of Immaterial Errors," above.

The District may, at any time, make a written request to a vendor to clarify information contained in a responsive solicitation response or to provide additional information that the District determines it needs to determine whether the vendor is responsible. If the District requests clarification or additional information, it shall

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establish and enforce a deadline for submitting the information (the District may not accept information submitted after the established deadline).

Utah Code § 63G-6a-115 (2016)

Vendor Qualification—

Determination of non-responsibility

"Responsible" means being capable in all respects of meeting all the requirements of a solicitation and fully performing all the requirements of the resulting contract, including being financially solvent with sufficient financial resources to perform the contract.

Utah Code § 63G-6a-103(73) (2022)

If the District determines that a person is not responsible, that determination shall be made in writing in accordance with rules issued by the Procurement Policy Board. It may be grounds for a finding of non-responsibility if a person unreasonably fails to promptly supply information in connection with an inquiry with respect to responsibility. Subject to the Utah Government Records Access and Management Act and Policy GA, information furnished by a person in connection with a responsibility inquiry may not be disclosed outside of the District without prior written consent by the person.

Utah Code § 63G-6a-903 (2020)

The District shall reject bids or offers submitted by bidders or offerors who are determined to be non-responsible.

Utah Admin. Rules R33-9-204(1) (May 23, 2022)

Debarment

The Procurement Official may, according to Policy CDA, either debar a person for cause from consideration for award of contracts for up to three years or suspend a person from consideration for award of contracts if there is cause to believe that the person has engaged in any activity that might lead to debarment.

A suspension may not be for more than three months unless an indictment has been issued for an offense which would cause debarment, in which case the suspension shall, if requested by the District's attorney, remain in effect until after the trial of the suspended person.

Causes for debarment include:

- conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of a public or private contract or subcontract;
- conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which

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currently, seriously, and directly affects responsibility as a contractor for the District;

- conviction under state or federal antitrust statutes;
- failure without good cause to perform in accordance with the terms of the contract;
- a violation of the Procurement Code or the District's procurement policies; or
- any other cause that the Procurement Official determines to be so serious and compelling as to affect responsibility as a contractor for the District, including debarment by another governmental entity.

The District may consider any cause for debarment as a basis for determining that a person responding to a solicitation is not responsible independent of any effort or proceeding to debar or suspend the person and even if the District does not choose to seek debarment or suspension.

Utah Code § 63G-6a-904(1)(a), (2), (3), (5) (2020)

Bids, offers, or other submissions received from any person that is suspended, debarred, or otherwise ineligible as of the due date for receipt of bids, proposals, or other submissions shall be rejected by the District.

Utah Admin. Rules R33-9-301 (May 23, 2022)

Ineligible bidder or offeror

A person with an outstanding tax lien in the state may not submit a quote, bid, or offer to the District, nor may such a person contract to provide a procurement item to the District. However, if the district Procurement Officer determines that it is in the best interests of the District to do so, the District may grant an exception to this prohibition for a specified and particular quote, bid, offer, or contract. The District may reject a quote, bid, or offer submitted in violation of this prohibition.

Utah Code § 63G-6a-905 (2013)

Preferences—

Preference for providers of Utah products

The District shall, for all procurements, give a reciprocal preference to those bidders offering procurement items that are produced, manufactured, mined, grown, or performed in Utah ("Utah items") over those bidders offering procurement items that are produced, manufactured, mined, grown, or performed in any state that gives or requires a preference to procurement items that are produced, manufactured, mined, grown, or performed in that state ("out of state preferred items"). The amount of reciprocal preference shall be equal to the amount of the preference applied by the other state for that particular procurement item. In order to receive a reciprocal preference under this section, the bidder must certify on the bid that the procurement

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items offered are Utah items. Without that certification on the bid, the reciprocal preference is waived.

If the responsible bidder submitting the lowest responsive bid offers out of state preferred items, and if another responsible bidder has submitted a responsive bid offering Utah items, and with the benefit of the reciprocal preference, the bid of the other bidder is equal to or less than the original lowest bid, the District shall (1) notify the Utah items bidder that the bidder qualifies as a preferred bidder; and (2) make the purchase from the preferred bidder if the bidder agrees, in writing, to meet the low bid within 72 hours after the notice. The District shall include the exact price submitted by the lowest bidder in its notice to the preferred bidder. The District may not enter into a contract with any other bidder for the purchase until 72 hours have elapsed after notice to the preferred bidder. If there is more than one preferred bidder, the District shall award the contract to the willing preferred bidder who was the lowest preferred bidder originally. If there were two or more equally low preferred bidders, the District shall comply with the rules of the Procurement Policy Board to determine which bidder should be awarded the contract.

This section does not apply if application of the section might jeopardize the receipt of federal funds.

Utah Code § 63G-6a-1002 (2020)

If there are more than one equally low preferred low bids, then those preferred bids shall be treated as tie bids and resolved according to the procedure in Policy CBB.

Utah Admin. Rules R33-10-101(2) (January 22, 2021)

Preference for Utah contractors

A “resident contractor” is a person, partnership, corporation, or other business entity that either has its principal place of business in Utah or that employs workers who are residents of this state when available; and also was transacting business on the date when bids for the public contract were first solicited.

When awarding contracts for construction, the District shall grant a resident contractor a reciprocal preference over a nonresident contractor from any state that gives or requires a preference to contractors from that state. The amount of the reciprocal preference shall be equal to the amount of the preference applied by the nonresident contractor’s state. To receive the reciprocal preference under this section, the bidder shall certify on the bid that the bidder qualifies as a resident contractor. Without that certification on the bid, the reciprocal preference is waived.

If the responsible contractor submitting the lowest responsive bid is a nonresident contractor and has a principal place of business in a state giving or requiring a preference to contractors from that state, and if a responsible resident contractor has also submitted a responsive bid, and, with the benefit of the reciprocal preference, the resident contractor’s bid is equal to or less than the original lowest bid, the District shall notify the resident contractor that the resident

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contractor qualifies as a preferred resident contractor and issue the contract to the resident contractor if that contractor agrees, in writing, to meet the low bid within 72 hours after notice of preferred resident contractor status. The District notice shall include the exact price submitted by the lowest bidder. The District may not enter into a contract with any other bidder for the construction until 72 hours have elapsed after notice to the preferred resident contractor. If there is more than one preferred resident contractor, the District shall award the contract to the willing preferred resident contractor who was the lowest preferred resident contractor originally. If there were two or more equally low preferred resident contractors, the District shall comply with the rules of the Procurement Policy Board to determine which bidder should be awarded the contract.

This section does not apply if application of the section might jeopardize the receipt of federal funds.

Utah Code § 63G-6a-1003 (2020)

If there are more than one equally low preferred resident contractor, then those preferred resident contractors shall be treated as submitting tie bids and that tie resolved according to the procedure in Policy CBB.

Utah Admin. Rules R33-10-102(2) (January 22, 2021)

Federal requirements exception to preferences

Neither the Utah products preference nor the Utah resident contractor preference apply to the extent that they conflict with federal requirements relating to a procurement that involves the expenditure of federal assistance, federal contract funds, or federal financial participation funds.

Utah Code § 63G-6a-1004 (2012)

Security—

Bid, payment and performance bonds or other security may be required for procurement items as set forth in the invitation for bids. Bid, payment and performance bond amounts shall be as prescribed by applicable law or must be based upon the estimated level of risk associated with the procurement item but may not be increased above the estimated level of risk with the intent to reduce the number of qualified bidders.

Bid security

Invitations for Bids and Requests for Proposals for construction contracts estimated to exceed $50,000 shall require the submission of bid bond in an amount equal to at least 5% of the bid, at the time the bid is submitted. (The Procurement Official or Board of Education or its designee may require acceptable security in amounts lower than this.)

Invitations for Bids and Requests for Proposals for other procurements may require the submission of a bid security, including specifications for the form and

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type of bid security, when the Procurement Official or Board of Education or its designee determines it is in the best interest of the District.

If a person fails to include the required bid security, the bid shall be deemed nonresponsive and ineligible for consideration of award except in the case that the security is provided on a bid on a re-solicitation, where there is only one bidder, or where the Procurement Official or Board of Education or its designee determines the failure is non-substantial. If acceptable bid security is not furnished, the bid shall be rejected as nonresponsive, unless the failure to comply is determined by the Procurement Official or Board of Education or its designee to be non-substantial. Failure to submit an acceptable bid security may be deemed non-substantial if:

1. the bid security is submitted on a form other than the required bid bond form and the bid security meets all other requirements including being issued by a surety meeting the applicable requirements and the contractor provides acceptable bid security by the close of business of the next succeeding business day after the District notifies the contractor of the defective bid security; or
2. only one bid is received, and there is not sufficient time to re-solicit; or
3. the amount of the bid security submitted, though less than the amount required by the invitation for bids, is equal to or greater than the difference in the price stated in the next higher acceptable bid; or
4. the bid security becomes inadequate as a result of the correction by the District of a mistake in the bid or bid modification, if the bidder increases the amount of guarantee to required limits within 48 hours after the bid opening.

If the successful bidder fails or refuses to enter into the contract or furnish the additional bonds required, then the bidder's bid security may be forfeited.

Utah Admin. Rules R33-11-302 (January 22, 2021)

Performance bonds for construction contracts

A performance bond is required for all construction contracts in excess of $50,000, in the amount of 100% of the contract price. The performance bond shall be delivered by the contractor to the District within fourteen days of the contractor receiving notice of the award of the construction contract. If a contractor fails to deliver the required performance bond, the contractor's bid/offer shall be rejected, its bid security may be enforced, and award of the contract may be made to the next lowest responsive and responsible bidder or highest ranked offeror.

Utah Admin. Rules R33-11-201 (January 22, 2021)

Performance bonds for other contracts

When the Procurement Official or Board of Education or its designee determines that a surety or performance bond is necessary to guarantee the satisfactory completion of a contract, such bond may be required if:

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1. The solicitation contains a statement that a surety or performance bond is required in an amount:
    a. equal to the amount of the bid or offer;
    b. equal to the projected budget or estimated project cost (if published in the solicitation documents);
    c. equal to the previous contract cost (if published in the solicitation documents)
    d. which is less than the above amounts; and
2. The solicitation contains a detailed description of the work to be performed for which the surety or performance bond is required.

Surety or performance bonds should not be used to unreasonably eliminate competition or be of such unreasonable value as to eliminate competition.

Utah Admin. Rules R33-11-302 (January 22, 2021)

Payment bonds

A payment bond is required for all construction contracts in excess of $50,000, in the amount of 100% of the contract price. If a contractor fails to deliver the required payment bond, the contractor's bid or offer shall be rejected, its bid security may be enforced, and award of the contract shall be made to the next lowest responsive and responsible bidder or highest ranked offeror.

The Procurement Official or Board of Education or its designee may waive any bonding requirement if it determines in writing that:

1. bonds cannot reasonably be obtained for the work involved;
2. the cost of the bond exceeds the risk to the District; or
3. bonds are not necessary to protect the District’s interests.

If the District fails to obtain a payment bond it may become liable for unpaid amounts as provided by Utah Code § 14-1-19.

Utah Admin. Rules R33-11-303 (January 22, 2021)

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Procurement:
Awarding Contracts by Bidding

The Bidding Procurement Process—

The District may award a contract for a procurement by the bidding process, in accordance with this policy, the rules of the Procurement Policy Board, and the Utah Procurement Code.

Utah Code § 63G-6a-602 (2020)
Utah Admin. Rules R33-6-101 (May 23, 2022)

The Bidding Process—

Invitation for bids

Procurement by bidding begins when the District issues an invitation for bids. The invitation for bids shall include: (1) a description of the procurement item the District seeks; (2) instructions for submitting a bid, including the submission deadline; (3) the objective criteria the District will use to evaluate bids; (4) information about the time and manner of opening bids; and (5) terms and conditions that the District intends to include in a contract resulting from the bidding process. The invitation for bids includes all documents, including documents that are attached or incorporated by reference, used for soliciting bids to provide a procurement item to the District. The invitation for bids shall contain a "Bid Form" or other forms providing lines for the bid price, acknowledgment of receipt of any addenda, identification of other applicable submissions, and the bidder's signature. Bidders may also be required to submit descriptive literature and/or product samples so that the District may evaluate whether a procurement item meets the specifications and other requirements set out in the invitation for bids. The invitation for bids shall be published according to the notice requirements in Policy CBA.

Utah Code § 63G-6a-103(39) (2022)
Utah Code § 63G-6a-603 (2020)

A "specification" means any description of the physical or functional characteristics, or nature of a procurement item included in an invitation for bids or otherwise specified or agreed to by the District, including a description of a requirement for inspecting or testing a procurement item or preparing a procurement item for delivery. All specifications shall seek to promote the overall economy and best use for the purposes intended and encourage competition in satisfying the needs of the District and may not be unduly restrictive. This applies to all specifications used by the District, including those prepared by architects, engineers, designers, and draftsmen. (See "Specifications" in Policy CBA.)

Utah Code § 63G-6a-103(84) (2022)
Utah Code § 63G-6a-111 (2016)

Cancellation of invitation for bids

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As provided for by statute, the District may cancel an invitation for bids if the Procurement Official determines that doing so is in the best interests of the District. When an invitation for bids is canceled in this way, the Procurement Official shall explain in writing the reasons for the cancellation and the District shall make that explanation available to the public for one year after the cancellation.

Utah Code § 63G-6a-119 (2020)

As provided in the Procurement Policy Board regulations, an invitation for bids may be canceled by the District before the deadline for submission of bids when the District determines it is in its best interest. If the District cancels an invitation for bids, the reasons for the cancellation shall be made part of the procurement file and shall be available for public inspection. The District shall then either re-solicit bids (using the same or revised specifications) or withdraw the requisition for the procurement item.

Utah Code § 63G-6a-902 (2020)
Utah Admin. Rules R33-9-101 (May 23, 2022)

No bids submitted

If there is no initial response to an invitation for bids, the Procurement Official may:

1. contact the known supplier community to determine why there were no responses to the invitation;
2. research the potential vendor community; and,
3. modify the invitation for bids based upon the information gathered.

If the District has modified the invitation for bids and re-issued it and still receives no bids or there is insufficient competition, the Procurement Official shall require the District to further modify the procurement documents or cancel the requisition for the procurement item. (If the requirements set forth in Policy CBA for making an award based on a single response to a solicitation are met, the Board may make an award based on a single bid.)

Utah Admin. Rules R33-9-102 (May 23, 2022)
Utah Admin. Rules R33-4-109 (May 23, 2022)

Bid opening and acceptance

A “bidder” is a person who responds to an invitation for bids. A “responsible” bidder is one who is capable, in all respects, of meeting all the requirements of the invitation for bids and fully performing all the requirements of the resulting contract, including being financially solvent with sufficient financial resources to perform the contract. A “responsive” bid is one that conforms in all material respects to the invitation for bids.

Utah Code § 63G-6a-103(4), (73), (74) (2022)

The District shall accept bids as provided in the invitation for bids and may not open a bid until after the deadline for submitting bids. A person who submits a bid

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may not, after the submission deadline, make a change to the bid if the change is prejudicial to either the interest of the District or to fair competition. The District may not accept a bid after the submission deadline except when the District determines that an error on the part of the District or its employee resulted in the bid not being received by the due date and time.

Utah Code § 63G-6a-604 (2020)

Correction or clarification of bids

The Board of Education or its designee may allow a vendor to correct an immaterial error in a bid, as provided in Policy CBA and may also request a vendor to clarify information contained in a bid or provide additional information relating to responsibility, as provided in Policy CBA.

Cancellation before award

When the District determines before award but after opening that the specifications, scope of work or other requirements contained in the invitation for bid documents were not met by any bidder or offeror the invitation for bids shall be cancelled.

In addition, the District may cancel an invitation for bids before award but after opening all bids or offers when the District determines in writing that an infraction of code, rule, or policy has occurred or that there is other good cause, including:

1. inadequate, erroneous, or ambiguous specifications or requirements were cited in the invitation for bids;
2. the bid specifications have been or must be revised;
3. the procurement item being solicited is no longer required;
4. the invitation for bids did not provide for consideration of all factors of cost to the District, such as cost of transportation, warranties, service and maintenance;
5. the bids received show that the District's needs can be satisfied by a less expensive procurement item differing from that in the invitation for bids;
6. except as provided below regarding bids which exceed available funds, all otherwise acceptable bids or offers received are at unreasonable prices, or only one bid or offer is received and the Procurement Official or Board of Education or its designee cannot determine the reasonableness of the bid price;
7. the responses to the invitation for bids were not independently arrived at in open competition, were collusive, or were submitted in bad faith; or,
8. no responsive bid has been received from a responsible bidder.

Utah Admin. Rules R33-9-103 (May 23, 2022)

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If the District has an existing contract for a procurement item that the invitation for bids is to obtain and the bidding process is delayed due to an unintentional error, the District may permit the extension of the existing contract.

Utah Code § 63G-6a-802.7(1)(b)(i) (2020)

Evaluation of bids and awarding of contract

The District shall evaluate bids using the objective criteria described in the invitation for bids and to achieve the greatest long-term value to the District. Criteria not described in the invitation for bids may not be used to evaluate a bid.

Utah Code § 63G-6a-606 (2020)

Any bid that is determined to be nonresponsive shall be rejected. Any bid that is submitted by a bidder that is determined to be not responsible shall be rejected.

Utah Admin. Rules R33-9-204 (May 23, 2022)

The originals of all bids rejected as nonresponsive or because the bidder was determined to be not responsible and all written findings with respect to such rejections shall be made part of the procurement file and made available for public inspection.

Utah Admin. Rules R33-9-204(3) (May 23, 2022)

Multiple or alternate bids will not be accepted, unless otherwise specifically required or allowed in the invitation for bids. If a bidder submits multiple or alternate bids that are not requested in the invitation for bids, the Procurement Official will only accept the bidder's first bid and will not accept any other bids constituting multiple or alternate bids.

Utah Admin. Rules R33-6-110 (May 23, 2022)

After evaluating the bids, the District shall:

- award the contract as soon as practicable to the responsible bidder who submits the lowest responsive bid and publish the name and bid amount of the bidder to whom the contract is awarded or
- cancel the invitation for bids without awarding a contract and publish a notice of the cancellation that includes an explanation of the reasons for cancelling the invitation for bids.

Utah Code § 63G-6a-606(3) (2021)

Re-solicitation

Re-solicitation of a bid may occur only if the Procurement Official or Board of Education or its designee determines that:

1. A material change in the scope of work or specifications has occurred;
2. procedures outlined in the Utah Procurement Code were not followed;
3. additional public notice is desired;

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4. there was a lack of adequate competition; or
5. other reasons exist such that it is in the best interest of the District.

Re-solicitation may not be used to avoid awarding a contract to a qualified vendor in an attempt to steer the award of a contract to a favored vendor.

Utah Admin. Rules R33-6-108 (May 23, 2022)

Resolution of tie bids

A "tie bid" means that the lowest responsive bids of responsible bidders are identical in price. In the event of tie bids, the District shall resolve the tie in a fair manner, as determined in writing by the Procurement Official. The preferred method for resolving a tie shall be for the Procurement Official to toss a coin in the presence of a minimum of three witnesses, with the bidder first in alphabetical order being designated as "heads" for the coin toss. However, if only one of the tie bids was submitted by a Utah resident bidder (as indicated on the invitation to bid form), the contract shall be awarded to the Utah resident bidder).

Utah Code § 63G-6a-103(90) (2022)
Utah Code § 63G-6a-608 (2020)
Utah Admin. Rules R33-6-111 (May 23, 2022)

Publication of award

The District shall, on the day on which the award of a contract is announced, make available to each bidder and to the public a notice that includes: (1) the name of the bidder to which the contract is awarded and the price(s) of the procurement item(s); and (2) the names and the prices of each bidder to which the contract is not awarded.

Utah Admin. Rules R33-6-112 (May 23, 2022)

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Procurement:
Awarding Contracts by Request for Proposals

Definitions—

- "Design-build" means the procurement of design professional services and construction by the use of a single contract with the design-build provider.
- "Service" means labor, effort, or work to produce a result that is beneficial to a procurement unit and includes a professional service. "Service" does not include labor, effort, or work provided under an employment agreement or a collective bargaining agreement.
- "Professional service" means labor, effort, or work that requires specialized knowledge, expertise, and discretion, including labor, effort, or work in the field of (a) accounting, (b) administrative law judge service, (c) architecture, (d) construction design and management, (e) engineering, (f) financial services, (g) information technology, (h) law, (i) medicine, (j) psychiatry, or (k) underwriting.
- A "public-private partnership" means an arrangement or agreement between a procurement unit and one or more contractors to provide for a public need through the development or operation of a project in which the contractor or contractors share with the procurement unit the responsibility or risk of developing, owning, maintaining, financing, or operating the project.

Utah Code § 63G-6a-103(27), (58), (65), (77) (2022)

Request for Proposals—

The District may use the request for proposals procurement process in accordance with rules of the Utah Procurement Policy Board. Procurement of design professional services (including architect or engineer services) is governed by Policy CCF.

Utah Code § 63G-6a-702 (2020)
Utah Code § 63G-6a-1911(3) (2020)

Specifications—

The specifications for the request for proposals shall be developed according to the requirements and process set out in Policy CBA.

Request for Proposals Process—

The District begins procurement through the request for proposals process by issuing a request for proposals. The District shall publish a request for proposals in accordance with the notice requirements of Policy CBA.

Utah Code § 63G-6a-703(1), (3) (2020)

Content of request

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A request for proposals shall include:

1. a description of the procurement item the District seeks;
2. instructions for submitting a proposal, including the deadline for submitting a proposal;
3. the objective criteria, including, if applicable, cost, and subjective criteria that the District will use to evaluate proposals;
4. information about the time and manner of opening proposals; and
5. terms and conditions that the District intends to include in a contract resulting from the request for proposals process.

Utah Code § 63G-6a-703(2) (2020)

Addenda to requests for proposals

After the due date and time for submitting a response to a request for proposals, at the discretion of the Procurement Official, the District may issue an addendum to the request for proposals that has limited application only to offerors that have submitted proposals, if the addendum does not change the request for proposals in a way that, in the opinion of the Official, would likely have affected the number of proposals submitted in response to the request for proposals had the addendum been included in the original request for proposals.

Utah Code § 63G-6a-704.4 (2020)

Evaluation criteria

Each proposal shall be evaluated using only the criteria described in the request for proposals.

Utah Code § 63G-6a-707(3), (4) (2020)

Exceptions to terms and conditions

Offerors requesting exceptions or additions to the standard terms and conditions published in the request for proposals must include the exceptions and/or additions with the proposal response. Exceptions or additions submitted after the date and time for receipt of proposals will not be considered unless there is only one offeror that responds to the request for proposals, the exceptions and/or additions have been approved by the District's legal counsel, and it is determined by the Board of Education or its designee that it is not beneficial to the District to republish the request for proposals. Offerors may not submit requests for exceptions or additions by reference to a vendor's website or URL.

The District may refuse to negotiate exceptions or additions:

1. that are determined to be excessive;
2. that are inconsistent with similar contracts of the District;

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3. to warranties, insurance, or indemnification provisions that are necessary to protect the District after consultation with legal counsel;
4. where the request for proposals specifically prohibits exceptions or additions; or
5. that are not in the best interest of the District.

If negotiations are permitted, the District may negotiate exceptions or additions with offerors, beginning in order with the offeror submitting the fewest exceptions or additions to the offeror submitting the greatest number of exceptions or additions. Contracts may become effective as negotiations are completed.

If, in the negotiations of exceptions or additions with a particular offeror, an agreement is not reached after a reasonable amount of time as determined by the District, the negotiations may be terminated and a contract not awarded to that offeror and the District may move to the next eligible offeror.

Utah Admin. Rules R33-7-104 (May 23, 2022)

Cancellation of request for proposals

As provided for by statute, the District may cancel a request for proposals if the Procurement Official determines that doing so is in the best interests of the District. When a request for proposals is canceled in this way, the Procurement Official shall explain in writing the reasons for the cancellation and the District shall make that explanation available to the public for one year after the cancellation.

Utah Code § 63G-6a-119 (2020)

As provided in the Procurement Policy Board regulations, a request for proposals may be canceled by the District before the deadline for submission of proposals when the Procurement Official determines it is in the District's best interest. If the District cancels a request for proposals, the reasons for the cancellation shall be made part of the procurement file and shall be available for public inspection. The District shall then either re-solicit proposals (using the same or revised specifications) or withdraw the requisition for the procurement item.

Utah Admin. Rules R33-9-101 (May 23, 2022)

No proposals submitted

If there is no initial response to a request for proposals, the Procurement Official may:

1. contact the known supplier community to determine why there were no responses to the request;
2. research the potential vendor community; and,
3. modify the invitation for bids based upon the information gathered.

If the District has modified the request for proposals and re-issued it and still receives no proposals or there is insufficient competition, the Procurement Official

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shall require the District to further modify the procurement documents or cancel the requisition for the procurement item.

Utah Admin. Rules R33-9-102 (May 23, 2022)

Proposal opening and acceptance

The District shall accept proposals as provided in the request for proposals and may not open a proposal until after the deadline for submitting proposals. A person who submits a proposal may not, after the submission deadline, make a change to the proposal if the change is prejudicial to either the interest of the District or to fair competition. The District shall not disclose the contents of a proposal except as provided by Utah Code § 63G-2-305(6).

Utah Code § 63G-6a-704(1), (2) (2020)

Rejection of Non-responsible or Nonresponsive Proposals

At any time during the request for proposals process, the District may reject a proposal if it determines that the person submitting the proposal is not responsible or that the proposal is not responsive or does not meet mandatory minimum requirements stated in the request for proposals. If the District rejects a proposal in this way, it shall provide the vendor who submitted the proposal a written statement of the reasons for the rejection.

Utah Code § 63G-6a-120 (2020)

Cancellation before award

The District may cancel a request for proposals before award but after opening if it determines in writing that:

1. the scope of work or other requirements in the request for proposals were not met by any person and all responses have been determined to be either nonresponsive or from vendors who are not responsible;
2. an infraction of code, rule, or policy has occurred;
3. inadequate, erroneous, or ambiguous specifications or requirements were cited in the request for proposals;
4. the request specifications have been or must be revised;
5. the procurement item(s) being solicited are no longer required;
6. the request for proposals did not provide for consideration of all factors of cost to the District, such as cost of transportation, warranties, service and maintenance;
7. the proposals received show that the District's needs can be satisfied by a less expensive procurement item differing from that in the request for proposals;
8. except as provided below regarding proposals which exceed available funds, all otherwise acceptable proposals received are at unreasonable prices, or

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only one proposal is received and the Procurement Official cannot determine the reasonableness of the price or cost proposal;

9. other reasons specified in the Procurement Code or Administrative Rule; or,
10. other circumstances deemed to constitute reasonable cause by the Procurement Official.

However, the District may not cancel and reissue a request for proposals to steer a contract to a favored vendor or (except as permitted under protest and appeal provisions) to make a vendor who was previously disqualified or rejected eligible for a contract award for the same procurement item.

Utah Admin. Rules R33-9-103 (May 23, 2022)

If the District has an existing contract for a procurement item that the request for proposals is to obtain and the request for proposals is delayed due to an unintentional error, the District may permit the extension of the existing contract as permitted in Policy CBF.

Utah Code § 63G-6a-802.7 (2020)

Correction or clarification of proposal or cancellation of contract

The District may allow a vendor to correct an immaterial error in a proposal, as provided in Policy CBA. However, except as permitted with regard to best and final offers, as set forth below, a vendor may not change the total amount of the cost proposal after the deadline for submitting a cost proposal and before a contract is awarded. (This does not apply to a change in the contract price during contract administration, as may otherwise be allowed under these policies.).

The District may have discussions with an offeror to obtain a more complete understanding of whether the offeror is responsible or the proposal is responsive. The District may reject a proposal if after such discussions it determines that the offeror is not responsible or the proposal is not responsive.

Utah Code § 63G-6a-704.6 (2020)

Offerors may not correct errors, deficiencies, or incomplete responses in a proposal from an offeror who has been determined to be not responsible, or a proposal that is not responsive, or that does not meet the mandatory minimum requirements stated in the request for proposals.

Establishment of evaluation committee

The District shall appoint an evaluation committee consisting of at least three individuals to evaluate the proposals. Committee members shall have at least a general familiarity with or a basic understanding of either (1) the technical requirements relating to the type of procurement item that is the subject of the request for proposals or (2) the need that the request is intended to address. The District shall ensure that the evaluation committee and each individual participating in the evaluation process (a) does not have a conflict of interest with any of the offerors, (b) can fairly evaluate each proposal, (c) does not contact or communicate

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with an offeror outside the official evaluation committee process; and (d) conducts or participates in the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety. The District may authorize the evaluation committee to receive assistance in better understanding a technical issue involved in the request for proposals from an expert or consultant. Generally, each member of the evaluation committee is prohibited from knowing, or having access to, any information relating to the cost, or the scoring of the cost, of a proposal until after the committee submits its final recommended scores on all other criteria to the District. However, this restriction does not apply if the Board of Education or other individual designated by Procurement Policy Board rule signs a written statement (a) indicating that, due to the nature of the proposal or other circumstances, it is in the best interest of the District to waive compliance with this restriction and (b) describing the nature of the proposal and the other circumstances relied upon to waive compliance with the restriction, and also makes the written statement available to the public upon request.

Utah Code § 63G-6a-707(1), (5), (6), (7) (2020)

Evaluation of proposals

Initial review

The District shall perform an initial review of submitted proposals to determine whether the proposals satisfy any pass/fail minimum requirements set forth in the request for proposals and whether the proposals are responsive and responsible or in violation of the Utah Procurement Code. Examples of possible pass/fail minimum requirements include timeliness of receipt of proposals, qualifications, certifications, licensing, experience, compliance with State or Federal regulations, services provided, product availability, equipment, or other pass/fail minimum requirements set forth in the request for proposals. The evaluation committee may not review proposals from offerors determined to be not responsible or proposals which do not meet the minimum requirements or which are deemed nonresponsive or in violation of the Procurement Code.

Utah Admin. Rules R33-7-703(1) (May 23, 2022)

The Procurement Official may reject any proposal that is determined to be nonresponsive or which is submitted by a person determined to be not responsible.

The originals of all rejected proposals and all written findings with respect to such rejections shall be made part of the procurement file and made available for public inspection.

Utah Admin. Rules R33-9-204(1), (3) (May 23, 2022)

Evaluation procedure

The evaluation committee shall evaluate each responsive proposal from a responsible offeror which has not been disqualified upon initial review and determine which proposal provides the best value to the District. Each proposal shall be evaluated and scores awarded using the evaluation criteria and in accordance with

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the process as described in the request for proposals. Criteria not descried in the request for proposals may not be used to evaluate the proposals.

Utah Code § 63G-6a-707(1), (2), (3), (4) (2020)

Before the evaluation and scoring of proposals, the District will meet to:

1. explain the evaluation and scoring process;
2. discuss requirements and prohibitions regarding socialization with vendors as set forth in R33-24-104, financial conflicts of interest as set forth in R33-24-105, personal relationships, favoritism, or bias as set forth in R33-24-106, disclosing confidential information contained in proposals or the deliberations and scoring of the evaluation committee, and ethical standards for an employee involved in the procurement process as set forth in R33-24-108;
3. review the scoring sheet and evaluation criteria set forth in the request for proposals; and
4. provide a copy of Administrative Rule R33-7-703 to the evaluation committee, district staff involved in the request for proposals, and any other person that will have access to the proposals.

Utah Admin. Rules R33-7-703(2) (May 23, 2022)

At each stage of the request for proposals process, the District shall ensure that evaluation committee members, employees of the District, and any other person participating in the request for proposals process does not have a conflict of interest with any of the offerors, do not contact or communicate with an offeror about the requests for proposals outside the official process, and conduct or participate in the request for proposals process in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.

Utah Admin. Rules R33-7-703(4)) (May 23, 2022)

Before participating in any phase of the request for proposals process, all members of the evaluation committee must sign a written statement certifying that they do not have a conflict of interest.

Utah Admin. Rules R33-7-703(3) (May 23, 2022)

Unless an exception is authorized by the Procurement Official, in order to avoid cost influencing the evaluation committee's scoring of non-price criteria, the evaluation committee is prohibited from knowing or having access to any information relating to the cost, or the scoring of the cost, of a proposal until after the committee has finalized its scoring of non-price technical criteria in the request for proposals and submitted those scores to the District.

Utah Code § 63G-7-707(7) (2020)
Utah Admin. Rules R33-7-703(5) (May 23, 2022)

After each proposal has been independently evaluated by each member of the evaluation committee, each committee member shall independently assign a preliminary draft score for each proposal for each of the non-priced technical criteria

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listed in the request for proposals. After completing the preliminary draft scoring, the evaluation committee shall enter into deliberations to review each committee member's preliminary draft scores, resolve any factual disagreements, modify their preliminary draft scores based on their updated understanding of the facts, and derive the committee's final recommended consensus scoring for the non-priced technical criteria of each proposal.

Utah Admin. Rules R33-7-703(7)(a) (May 23, 2022)

During the evaluation process, the evaluation committee may recommend to the District that a proposal be rejected as made by a non-responsible offeror, as being non-responsive, as not meeting the mandatory minimum requirements, or as not meeting any applicable minimum score threshold.

Utah Admin. Rules R33-7-703(7)(b) (May 23, 2022)

To score proposals fairly, an evaluation committee member must be present at each evaluation meeting and must review each proposal, including (if applicable) oral presentations. If a committee member does not attend an evaluation committee meeting, the meeting may be canceled and rescheduled. If a committee member fails to attend an evaluation committee meeting, leaves a meeting early, or fails for any reason to fulfill the duties and obligations of a committee member, that member shall be removed from the evaluation committee. The remainder of the committee may proceed with the evaluation, provided there are at least three evaluation committee members remaining. A committee member may attend or participate on an evaluation committee via electronic means (for example, a conference call, a webcam, an online business application, or other means).

Utah Admin. Rules R33-7-703(7)(c), (d), (e) (May 23, 2022)

At any time during the evaluation process, the evaluation committee may, with the approval of the District and subject to the requirements set forth below, request best and final offers from responsible offerors who have submitted responsive proposals that meet the minimum qualifications, evaluation criteria, or applicable thresholds and evaluate those offers in accordance with Utah Code § 63G-6a-707.5, as described below.

At the conclusion of the evaluation process, an evaluation committee shall prepare and submit to the District a written statement that: (1) recommends a proposal for an award of a contract (if the evaluation committee decides to recommend a proposal); (2) contains the score awarded to the recommended proposal based on the criteria stated in the request for proposals; and (3) explains how the recommended proposal provides the best value to the District.

Utah Code § 63G-6a-707(10) (2020)

The evaluation committee may not change its final recommended scores for the proposals after they have been submitted to the District.

Utah Code §63G-6a-707(8) (2020)

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The Procurement Official may remove a member of an evaluation committee for (1) having a conflict of interest or the appearance of a conflict of interest with a person responding to a request for proposals, (2) having an unlawful bias or the appearance of an unlawful bias against a person responding to a request for proposals, (3) having a pattern of arbitrary, capricious, or clearly erroneous scores that are unexplainable or unjustifiable (4) having inappropriate contact or communication with a person responding to the request for proposals, (5) socializing inappropriately with a person responding to the request for proposals, (6) engaging in any other action or having any other association that causes the Board to conclude that the individual cannot fairly evaluate a response to the request for proposals, or (7) any other violation of law, rule, or policy. The District may reconstitute the committee in any way it deems appropriate to cure any such impropriety. If the impropriety cannot be cured by replacing a member, then a new committee may be appointed or the procurement cancelled and the request for proposals reissued.

Utah Admin. Rules R33-7-703(12) (May 23, 2022)

Scoring of proposals

The scoring of evaluation criteria, other than cost, for proposals meeting the mandatory minimum requirements in a request for proposals shall be based on the scoring system set forth in the RFP.

Utah Admin. Rules R33-7-704 (May 23, 2022)

Independent judgment by evaluation committee members

Evaluators are required to exercise independent judgment in a manner that is not dependent on anyone else's opinions or wishes. Evaluators must not allow their scoring to be inappropriately influenced by another person's wishes that additional or fewer points be awarded to a particular offeror. Evaluators may seek to increase their knowledge before scoring by asking questions and seeking appropriate information from the District. Otherwise, evaluators should not discuss proposals or the scoring of proposals with other persons not on the evaluation committee.

The exercise of independent judgment applies not only to possible inappropriate influences from outside the evaluation committee, but also to inappropriate influences from within the committee. It is acceptable for there to be discussion and debate within the committee regarding how well a proposal meets the evaluation criteria. However, open discussion and debate may not lead to coercion or intimidation by one committee member to influence the scoring of another committee member.

Evaluators may not act on their own or in concert with another evaluation committee member to inappropriately steer an award to a favored vendor or to disfavor a particular vendor.

Evaluators are required to report any attempts by others to improperly influence any evaluator's scoring to favor or disfavor a particular offeror.

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If an evaluator feels that the evaluator's independence has been compromised, the evaluator must recuse himself or herself from the evaluation process.

Utah Admin. Rules R33-7-705 (May 23, 2022)

Best and final offers

The best and final offers process is an optional step in the evaluation phase of the request for proposals process in which offerors are requested to modify their proposals. (It is not available for use with any other type of procurement process.) If the necessary conditions are present, the evaluation committee, with the approval of the Procurement Official, may request and evaluate best and final offers from responsible offerors who have submitted responsive proposals that meet the minimum qualifications, evaluation criteria, or applicable score thresholds identified in the request for proposals for the stage of the process at which the final and best offers are being requested. The evaluation committee may only request best and final offers if one of the following circumstances exists:

1. no single proposal addresses all the specifications stated in the request for proposals;
2. all proposals received are unclear or deficient in one or more respects;
3. all cost proposals exceed the identified budget or the District's available funding; or
4. two or more proposals receive an identical evaluation score that is the highest score.

In a best and final offer, an offeror may only address the issues described in the request for best and final offers; the offeror may not correct a material error or deficiency in the original proposal or address any other issue not described in the request for best and final offers. The best and final offers process may not be used to change a determination that an offeror is not responsible or that an offer is not responsive.

The request for best and final offers shall clearly specify the issues that the District requests the offerors to address in their best and final offers and how the best and final offers will be evaluated and scored in accordance with the evaluation procedures of this policy. The request shall also establish a deadline for an offeror to submit a best and final offer and, if applicable, establish a schedule and procedure for conducting discussions with offerors concerning the best and final offers. After the deadline for submitting best and final offers, the evaluation committee shall evaluate the best and final offers using the criteria described in the request for proposals.

Unsolicited best and final offers will not be accepted and may not be considered by the District. If an offeror fails to submit a best and final offer, the offer submitted by the offeror before the request for best and final offers shall be treated as the offeror's best and final offer.

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In conducting the best and final offers process, the District shall (a) maintain the confidentiality of the information the District receives from an offeror (including cost information) until a contract has been awarded or the request for proposals canceled, (b) ensure that each offeror receives fair and equal treatment, and (c) safeguard the integrity of the scope of the original request for proposals, except as specifically provided otherwise in this section regarding best and final offers.

When a request for best and final offers is issued to reduce cost proposals, the District may specify the scope of work reductions the District is making to generate proposals within the budget or available funding or may invite offerors to specify the scope of work reductions being made so that the reduced cost proposal is within the budget or available funding. However, the District is not required to accept a scope of work reduction proposed by an offeror. A reduction in the scope of work may not eliminate a component identified as a minimum mandatory requirement in the request for proposals, nor may it alter the nature of the original request to the extent that a request for proposals for the reduced scope of work would have likely attracted a significantly different set of offerors submitting proposals. A best and final offer submitted with a reduced cost proposal shall include an itemized list identifying specific reductions in the proposed scope of work that correspond to the reduced cost proposal.

When a request for best and final offers is issued because two or more proposals received an identical and highest score, the request may only be issued to those offerors whose proposals received that highest score. The offerors responding to this request may revise the technical aspects of their proposal, their cost proposal (as provided in the prior paragraph), or both.

Utah Code § 63G-6a-707.5 (2020)

When selecting a construction manager/general contractor for a construction project and the contract is to be awarded based solely on (a) the qualifications of the construction manager / general contractor and (b) the management fee to be paid to the construction manager / general contractor, the evaluation committee in recommending an award is not required to explain how the recommended proposal provides the best value to the District. A “management fee” includes only fees for preconstruction phase services, monthly supervision fees for the construction phase, and overhead and profit for the construction phase.

Utah Code § 63G-6a-707(10)(b) (2020)
Utah Admin. Rules R33-13-205(3) (January 22, 2021)

Award of contract

After completion of the evaluation process, the Procurement Official shall review the written statement submitted to the District by the evaluation committee and shall either award the contract as recommended or shall cancel the request for proposals or take other action as permitted under this policy.

Utah Code § 63G-6a-702(1) (2020)
Utah Code § 63G-6a-707(10) (2020)

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Procurement:
Request for Statement of Qualifications

Definitions—

- A "vendor" is a person who seeks to enter into a contract with the District to provide a procurement item and includes a bidder, an offeror, an approved vendor, and a design professional.
- A "request for statement of qualifications" is a document used to solicit information about the qualifications of a person interested in responding to a potential procurement, including all other documents attached to that document or incorporated in that document by reference.
- A "statement of qualifications" is a written statement submitted to the District in response to a request for statement of qualifications.

Utah Code § 63G-6a-103(71), (87), (93) (2022)

Purposes of Request for Statement of Qualifications—

A request for statement of qualifications must be used as part of the process to establish an approved vendor list. (*See* Policy CBDB.) A request for statement of qualifications also may be used to identify qualified vendors in one stage of a multiple-stage procurement process (invitation for bids, request for proposals, or design professional procurement). A request for statement of qualifications may not be used as the sole basis for awarding a contract, nor may it be used to solicit costs, pricing, or rates, or to negotiate fees.

Utah Code § 63G-6a-410 (2020)

Request for Statement of Qualifications Process—

The request for statement of qualifications procurement process begins when the District issues a request for statement of qualifications. The District shall publish a request for proposals in accordance with the notice requirements of Policy CBA.

Utah Code § 63G-6a-410(3), (6) (2020)

Content of request for multiple-stage process

A request for statement of qualifications in a multiple-stage standard procurement process shall include:

- a statement that participation in other stages of the multiple-stage standard procurement process will be limited to qualified vendors;
- the minimum mandatory requirements, evaluation criteria, and applicable score thresholds that will be used to identify qualified vendors, including, as applicable:
    - experience and work history;

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  - management and staff requirements or standards;
  - licenses, certifications, and other qualifications;
  - performance ratings or references;
  - financial stability; and
  - other information pertaining to vendor qualifications that the Procurement Official considers relevant or important; and
- the deadline by which a vendor is required to submit a statement of qualifications.

Utah Code § 63G-6a-410(4) (2020)

Content of request for approved vendor list process

A request for statement of qualifications in an approved vendor list process under Policy CBDB shall include:

- as may be applicable, a general description of
  - the procurement item the District seeks to acquire;
  - the type of project or scope or category of work that the District will procure;
  - the procurement process to be used by the District; and
  - the type of vendor the District seeks to provide the procurement item;
- the minimum mandatory requirements, evaluation criteria, and applicable score thresholds that vendors are required to meet to be included on the approved vendor list;
- a statement that the approved vendor list will only include responsible vendors that
  - submit a responsive statement of qualifications and
  - meet the minimum mandatory requirements, evaluation criteria, and applicable score thresholds described in the request;
- a statement that only vendors on the approved vendor list will be able to participate in the procurements identified in the request;
- a statement on whether the District will use a performance rating system for evaluation the performance of vendors on the approved vendor list, including whether a vendor on the list may be disqualified and removed from the list;
- a statement on whether the approved vendor list used by the District is closed-ended or open-ended (*see* Policy CBDB) and

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- if the District uses a closed-ended list, the deadline for a vendor to submit a statement of qualifications and the specified time after which the list will expire, or
- if the District uses an open-ended list,
  - the deadline for a vendor to submit a statement of qualifications to be considered for the initial list,
  - a schedule indicating when a vendor not on the initial list may submit a statement of qualifications to be considered to be added to the list, and
  - the specified time after which a vendor must submit a new statement of qualifications in order to renew the vendor's status as an approved vendor on the list; and

- a description of any other criteria or requirements specific to the procurement item or scope of work that is the subject of the procurement.

Utah Code § 63G-6a-410(5) (2020)

Correction or clarification of statement of qualifications

The Procurement Official may allow a vendor to correct an immaterial error in a statement of qualifications, as provided in Policy CBA and may also request a vendor to clarify information contained in a statement of qualifications, as provided in Policy CBA.

Utah Code § 63G-6a-410(7), (10) (2020)

Establishment of evaluation committee

The District shall appoint an evaluation committee consisting of at least three individuals with at least a general familiarity with or a basic understanding of either (1) the technical requirements relating to the type of procurement item that is the subject of the request for statement of qualifications or (2) the need that the procurement item is intended to address. The District shall ensure that the evaluation committee and each individual participating in the evaluation process (a) does not have a conflict of interest with any vendor that submits a statement of qualifications, (b) can fairly evaluate each statement of qualifications, (c) does not contact or communicate with a vendor concerning the evaluation process or the procurement outside the official evaluation committee process; and (d) conducts or participates in the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety. The District may reduce the number of individuals appointed to the evaluation committee if the Procurement Official makes a written determination that the evaluation criteria consist only of objective criteria and do not include any subjective criterion that requires analysis, assessment, or deliberation.

The District may authorize the evaluation committee to receive assistance in better understanding a technical issue involved in the procurement from an expert or consultant who is not a member of the committee and who does not participate in

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evaluation scoring. The evaluation committee may, with the approval of the Procurement Official, enter into discussions or conduct interviews with, or attend presentations by vendors for the purpose of clarifying information contained in statements of qualifications. However, in such interactions, a vendor may only explain, illustrate, or interpret the contents of the original statement of qualifications. The vendor may not (1) address criteria or specifications not contained in the original statement of qualifications, (2) correct any deficiency, inaccuracy, or mistake other than an immaterial error, (3) remedy an incomplete submission of documents, (4) remedy an untimely statement submission, (5) substitute or alter a required form, (6) remedy a cause for the vendor being considered not responsible or the statement not responsive, or (7) correct a failure to meet mandatory minimum requirements, evaluation criteria, or score thresholds.

Utah Code § 63G-6a-410(9) (2020)

Evaluation of statements

The evaluation committee shall evaluate and score statements of qualifications submitted in response to a request for statement of qualifications using the minimum mandatory requirements, evaluation criteria, and applicable score thresholds set forth in the request for statement of qualifications.

Utah Code § 63G-6a-410(9)(d) (2020)

Determination of qualified vendors

After the evaluation committee completes its evaluation and scoring of the statements of qualifications, the committee shall submit the statements and evaluation scores to the Procurement Official. The Procurement Official shall review the committee's scores and shall correct any errors, inconsistencies, or reported noncompliance with the Procurement Code. After reviewing the evaluation committee materials, the Procurement Official shall make a final determination of:

- qualified vendors who are allowed to participate in the remaining stages, if the request for statement of qualifications process is used as one of the stages of a multiple-stage process, or
- vendors to be included on an approved vendor list, if the request for statement of qualifications process is used as part of the approved vendor list process.

Utah Code § 63G-6a-410(9)(f), (g), (14) (20f20)

Withdrawal of statement

A vendor may voluntarily withdraw a statement of qualifications at any time before a contract is awarded with respect to which the statement of qualifications was submitted.

Utah Code § 63G-6a-410(11) (2020)

Single qualified vendor

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If only one vendor meets the minimum qualifications, evaluation criteria, and applicable score thresholds set forth in the request for statement of qualifications which is being used as part of an approved vendor list process, the District may cancel the request for statement of qualifications or may establish an approved vendor list that includes the one vendor if the District continues to try to identify more vendors to be included on the approved vendor list by either keeping the request for statement of qualifications open or immediately reissuing the request for statement of qualifications and repeating the process. If the District cancels the request, it shall make available for public inspection a written justification for the cancellation.

Utah Code § 63G-6a-410(12), (13) (2020)

Rejection of statement

The Procurement Official may reject a statement of qualifications based on a determination that the vendor (1) is not responsible, (2) is in violation of the Procurement Code, (3) has engaged in unethical conduct, or (4) receives a performance rating below the satisfactory performance threshold specified in the request for statement of qualifications. A statement may also be rejected if there is a change in the vendor's circumstances that, if known when the statement was evaluated, would have caused the statement to not receive a qualifying score. A statement may also be rejected if it is not responsive or does not meet the mandatory minimum requirements, evaluation criteria, or applicable score thresholds stated in the request for statement of qualifications. Upon rejection of a statement, the Procurement Official shall make a written finding stating the reasons for rejection and provide a copy of that finding to the vendor whose statement was rejected.

Utah Code § 63G-6a-410(8) (2020)

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Procurement:
Approved Vendor List Process

Definitions—

- A "vendor" is a person who seeks to enter into a contract with the District to provide a procurement item and includes a bidder, an offeror, an approved vendor, and a design professional.
- An "approved vendor" is a person who has been approved for inclusion on an approved vendor list through the process set forth in this Policy.
- An "approved vendor list" is a list of approved vendors established through the process set forth in this Policy.
- A "closed-ended approved vendor list" is an approved vendor list which has a short period of time, specified by the District, during which vendors may be added to the list and a specified time when the list will expire.
- An "open-ended approved vendor list" is an approved vendor list with an indeterminate period of time during which vendors may be added to the list, the addition of vendors throughout the effective term of the list, and a specified time after which the District is required to verify that vendors on the list continue to meet the minimum mandatory requirements, evaluation criteria, and applicable score thresholds.

Utah Code § 63G-6a-103(1), (2), (93) (2022)
Utah Code § 63G-6a-507(1) (2020)

Purposes of an Approved Vendor List—

The District may use an approved vendor list established under this policy in conjunction with bidding, request for proposals, the small purchase process, or the design professional procurement process. Using the list and one of these processes, the District may award a contract to an approved vendor for any procurement item or type of procurement item specified in the request for statement of qualifications used to establish the list. The District may also use an approved vendor list to limit participation in any of these procurement processes to approved vendors. In addition, the District may award a contract to an approved vendor at a price based on established terms as provided for in Policy CBA and below in this policy.

Utah Code § 63G-6a-507(6) (2020)
Utah Admin. Rules R33-5-204 (May 23, 2022)

The District may establish an approved vendor list either for (1) a specific, fully defined procurement item or (2) a future procurement item that is not fully and specifically defined, if the related request for statement of qualifications generally describes the procurement item and the type of vendor that the District seeks to provide the item. The District may not award a contract to an approved vendor for an

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item that is outside the scope of the general description of the procurement item in the related request for statement of qualifications. A vendor who is **not** an approved vendor is ineligible for a contract for a procurement item under the procurement identified in the related request for statement of qualifications.

Utah Code § 63G-6a-507(3) (2020)
Utah Code § 63G-6a-410(5)(d) (2020)

Use of Quotes with an Approved Vendor List—

Within the approved threshold limits, the District may use the quote process to obtain procurement items using an approved vendor list. This is a purchasing process that solicits pricing from several sources. A "quotation" is a statement of price, terms of sale, and description of the procurement item offered by a vendor to the District. An electronic quotation is a quotation provided by a vendor through electronic means such as the internet, online sources, email, an interactive web-based market center, or other technology. A quotation is not binding and does not obligate the District to purchase (or the vendor to sell) the item.

To use the quote process, the District must obtain quotations which are for the same procurement item (including the same terms of sale, description, and quantity of goods or services). The District must inform the vendor that the quotation is for a government entity and inquire whether the vendor is willing to provide a discount to a government entity. The District must also maintain a public record which includes the name of each vendor supplying a quotation and the amount of each vendor's quotation.

Utah Admin. Rules R33-4-110 (May 23, 2022)

General Requirements for Approved Vendor List—

In order to establish an approved vendor list, the District must first complete the statement of qualifications process under Policy CBDA. If that process results in only one vendor qualifying, an approved vendor list cannot be established under that request for statement of qualifications unless the District continues to try to identify more vendors to be included on the approved vendor list by either keeping the request for statement of qualifications open or immediately reissuing the request for statement of qualifications and repeating the process.

Utah Code § 63G-6a-507(2) (2020)
Utah Code § 63G-6a-410(1)(b), (5), (12) (2020)

After an approved vendor list has been established, the list must be made available to the public by the District before it can be used.

Utah Code § 63G-6a-507(7) (2020)

Establishing and Maintaining an Approved Vendor List—

After receiving the statements of qualifications and evaluation scores submitted by the evaluation committee under Policy CBDA, the Procurement Official shall include on an approved vendor list those vendors meeting the minimum mandatory requirements, evaluation criteria, and applicable score thresholds. Any

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vendor who does not meet those requirements, criteria, or thresholds shall be rejected as ineligible and not included on the approved vendor list.

Utah Code § 63G-6a-507(4) (2020)

Each approved vendor list established and maintained by the District shall be either a closed-ended list or open-ended list, according to the specifications and notice given in the associated request for statement of qualifications.

Utah Code § 63G-6a-507(5)(a) (2020)
Utah Code § 63G-6a-410(5)(f)(i) (2020)

The District may establish a performance rating system to evaluate the performance of vendors on an approved vendor list if that system is described in the request for statement of qualifications. A rating system must include the minimum performance rating threshold that approved vendors must achieve to remain in good standing and a statement that vendors who do not meet that threshold may subject to a corrective action plan, which may include termination of the contract. If the District uses a performance rating system for evaluating the performance of vendors, then vendors shall be placed on a corrective action plan according to the standards and procedures identified in the associated request for statement of qualifications. If the District places a vendor on a corrective action plan or terminates a vendor's contract on this basis, the District shall make a written finding that describes the performance rating system, identifies the minimum performance rating threshold, and explains the performance rating achieved by the vendor. A copy of this written finding shall be provided to the vendor.

Utah Code § 63G-6a-410(5)(e) (2020)
Utah Admin. Rules R33-5-203 (May 23, 2022)

Closed-ended approved vendor list

A closed-ended approved vendor list shall expire at the time specified by the District in the related request for statement of qualifications but no later than 18 months after the District publishes the list.

Utah Code § 63G-6a-410(5)(f)(ii)(A) (2020)
Utah Code § 63G-6a-507(5)(b)(i) (2020)

Open-ended approved vendor list

Once an open-ended approved vendor list is established and a vendor is added to that list, the District must verify, by a method established by the Procurement Official and no less frequently than every 18 months, that each vendor on the list continues to meet the minimum mandatory requirements, evaluation criteria, and applicable score thresholds of the request for statement of qualifications. Any vendor who does not continue to meet these requirements shall be removed from the list.

Utah Code § 63G-6a-507(5)(b)(ii) (2020)

After an open-ended approved vendor list is initially established, other vendors who wish to be added to that list must submit statements of qualifications

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according to the schedule stated in the request for statement of qualifications. Such statements will be evaluated as provided for in Policy CBDA and vendors meeting the minimum mandatory requirements, evaluation criteria, and applicable score thresholds of the original request (and whose statement is not rejected according to Policy CBDA) will be added to the list.

Utah Code § 63G-6a-410(5)(f)(ii)(B) (2020)
Utah Code § 63G-6a-507(8)(a) (2020)

Award Based on Established Terms—

The District may award a contract to a vendor on an approved vendor list at an established price based on a price list, rate schedule, or pricing catalog which is submitted by a vendor and accepted by the District or which is mandated by the District or by a federal agency or which is mandated by a federal regulation for a health and human services program.

When awarding a contract to an approved vendor based on a price list, rate schedule, or pricing catalog submitted by the vendor, the District shall, as applicable, follow one of the two methods. The District may assign work to or purchase from the approved vendor with the lowest price, rate or catalog price. (In case of a tie for the lowest price, the District shall follow the process described in Policy CBB.) If the lowest-cost approved vendor cannot provide the procurement item or quantity needed, then work shall be assigned or the purchase made from the next lowest-cost vendor, and so on, until the District's needs are met. The other method is that the District establishes a cost threshold based on a cost analysis as set forth in Utah Admin. Rules R33-12-603 and 604, and assigns work or purchases from an approved vendor meeting the cost threshold using one of the following methods: (A) a rotation system, organized alphabetically, numerically, or randomly; (B) assignment of vendors to a specified geographic area; (C) assignment of vendors based on each vendor's particular expertise or field; or (D) another method approved by the Procurement Official. Under either of these methods, an approved vendor may lower its price, rate, or catalog price at any time during the time a contract is in effect to be assigned work or receive purchases.

When awarding a contract to an approved vendor based on a price list, rate schedule, or pricing catalog mandated by the District or a federal agency, the District shall use one of the following methods to assign work or purchase from a vendor on an approved vendor list: (A) a rotation system, organized alphabetically, numerically, or randomly; (B) assignment of vendors to a specified geographic area; (C) assignment of vendors based on each vendor's particular expertise or field; or (D) another method approved by the Procurement Official.

When awarding a contract to an approved vendor based on a price list, rate schedule, or pricing catalog based on a federal regulation for a health and human services program, the District unit shall follow the requirements set forth in the applicable federal regulation to assign work or make a purchase.

Utah Admin. Rules R33-5-202 (May 23, 2022)

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Procedures for Fair Use of Approved Vendor Lists—

Subject to any regulations which may be established by the Utah Procurement Policy Board, the District shall establish and implement procedures to ensure that all vendors on an approved vendor list have a fair and equitable opportunity to compete for a contract for a procurement item. Depending on the type of procurement item, such procedures might include a rotation system, organized alphabetically, numerically, or randomly, or other appropriate procedure.

Utah Code § 63G-6a-507(9)(a) (2020)

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Procurement:
Procurement of Professional Services

Definitions—

"Professional service" means labor, effort, or work that requires specialized knowledge, expertise, and discretion, including labor, effort, or work in the field of:

- accounting;
- administrative law judge service;
- architecture;
- construction design and management;
- engineering;
- financial services;
- information technology;
- the law;
- medicine;
- psychiatry; or
- underwriting.

Utah Code § 63G-6a-103(58) (2022)

Procurement of Professional Services—

The District may use the process set forth in Policy CCF (relating to procurement of design professional services) to obtain other types of professional services for the District.

Utah Code § 63G-6a-1502(3) (2020)

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Procurement:
Small Purchases

[Note that the regulations issued by the Procurement Policy Board establish small purchase thresholds of $100,000 for construction projects, for design professional services, and for professional services. (See Utah Admin. Rules R33-5-106(1), R33-5-105(1), and R33-5-108(1).) However, the threshold for construction in this model policy was set taking into account Utah Code § 53E-3-703, which requires a specified bidding process for school construction projects costing more than $80,000. The thresholds for design professional services and professional services were set at $80,000 for consistency with the construction threshold.]

Definitions—

The following definitions apply to this policy:

- "Annual cumulative threshold" means the maximum total amount that the District may expend to obtain procurement items as small purchase from the same source in a single year.
- "Individual procurement threshold" means the maximum amount for which the District may purchase a procurement item as a small purchase.
- "Single procurement aggregate threshold" means the maximum total amount that the District may expend to obtain multiple procurement items from one source at one time as small purchases.

Utah Code § 63G-6a-506(1) (2021)

Availability of Small Purchase Process—

A small purchase procurement may be made according to the requirements of this policy for purchases that fall within the thresholds set forth in this policy. The District may use the small purchase procurement process for a purchase in excess of the thresholds only if the Procurement Official gives written authorization to do so and that written authorization sets forth the reasons for exceeding the threshold. The District may not use the small purchase process for ongoing, continuous, and regularly scheduled procurements that exceed the annual cumulative threshold. Rather, ongoing, continuous, and regularly scheduled procurements in excess of the annual cumulative threshold shall be made through a contract awarded through another standard procurement process or an applicable exception to another standard procurement process set forth in Policy CFB. (However, this limitation does not apply to regularly scheduled payments for a procurement item obtained under another procurement policy.)

Utah Code § 63G-6a-506(3), (6), (7) (2021)

Thresholds

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The individual procurement threshold for goods and general services is $5,000, for professional services is $80,000, for design professional services is $80,000, and for construction projects is $80,000, as set forth in Policy CCA. The single procurement aggregate threshold is $5,000 for goods and general services and $80,000 for professional services and for construction projects. The annual cumulative threshold is $50,000 for goods and general services and $80,000 for professional services and construction projects. Therefore, the small purchase procurement process set forth in this Policy may be used in obtaining goods or general services if the amount of an individual procurement item is $5,000 or less, or if multiple items obtained from the same source at the same time is estimated to be less than $10,000 for goods and general services. The small purchase procurement process may be used for purchases up to $80,000 of professional services or construction. However, if the contemplated purchase would cause any of these thresholds to be exceeded, the small purchase procurement method may not be used.

Utah Code § 63G-6a-506(1), (2) (2021)
Utah Admin. Rules R33-5-104 (May 23, 2022)

General Small Purchase Process—

The Quote Process

The quote process is a purchasing process that solicits pricing from several sources. A “quotation” is a statement of price, terms of sale, and description of the procurement item offered by a vendor to the District. An electronic quotation is a quotation provided by a vendor through electronic means such as the internet, online sources, email, an interactive web-based market center, or other technology. A quotation is not binding and does not obligate the District to purchase (or the vendor to sell) the item.

To use the quote process, the District must obtain quotations which are for the same procurement item (including the same terms of sale, description, and quantity of goods or services). The District must inform the vendor that the quotation is for a government entity and inquire whether the vendor is willing to provide a discount to a government entity. The District must also maintain a public record which includes the name of each vendor supplying a quotation and the amount of each vendor’s quotation.

Utah Admin. Rules R33-4-110 (May 23, 2022)

Level 1

For small purchase procurements up to $5,000, the purchaser may select the best source without seeking competitive bids or quotes. The signatures of the requestor and immediate supervisor (or authorized business officer for the department or administration) are required on the purchase order or check request form. If the purchase is made using a District credit/purchase card, the employee should follow District policy for use of such cards.

Utah Admin. Rules R33-5-104(3)) (May 23, 2022)

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Level 2

For small purchase procurements between $5,000 and $10,000, the purchaser shall obtain at least two (2) competitive quotes that include minimum specifications and purchase the item or service from the responsible vendor offering the lowest quote that meets the specifications. These quotes may be verbal (for example, by telephone) or in writing. Documentation of quotes for all monetary levels must be attached to the purchase documentation and maintained as part of the District's records. The signatures of the requestor, immediate supervisor (or authorized business officer for the department), and Business Administrator are required on the purchase order or check request form.

Utah Admin. Rules R33-5-107(1) (May 23, 2022)

Level 3

For small purchase procurements between $10,000 and $30,000, the purchaser shall obtain at least two (2) written competitive quotes that include specifications and purchase the item or service from the responsible vendor offering the lowest quote meeting the specifications. The written quotes must be attached to the purchase documentation and maintained as part of the District's records. The signatures of the requestor, immediate supervisor (or authorized business officer for the department), and Business Administrator are required on the purchase order or check request form.

Utah Admin. Rules R33-5-107(2) (May 23, 2022)

Level 4

For small purchase procurements between $30,000 and $50,000, the purchaser shall obtain at least three (3) written competitive quotes that include specifications and purchase the item or service from the responsible vendor offering the lowest quote meeting specifications. Completed bids and an approved purchase order shall be sent to District purchasing for initiation and purchase. The signatures of the requestor, immediate supervisor (or authorized business officer for the department), and Business Administrator are required on the purchase order or check request form.

Utah Admin. Rules R33-5-107(2) (May 23, 2022)

Documentation of quotes

Documentation of quotes shall contain the following information:

1. The date the quote was received or the dates that the quoted price is valid;
2. The proposed delivery date;
3. The vendor's name and address;
4. The name of the person providing the quote and contact information for that person;

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5. A description of each item including specifications, unit price, total price, and quantity listed;
6. Shipping and freight charges; and
7. The name and position of the District employee obtaining the quote.

Quotes may be obtained and documented by printing pages from a website; however, all of the quote elements must be documented and employees should bear in mind that better prices are usually obtained by contacting vendors directly. Telephone quotes must be documented and include all quote elements. Written quotes should be provided on the vendor's letterhead.

Construction Small Purchase Process—

Using the procedures set out in Policy CBA, the District shall either prequalify potential construction vendors or develop an approved vendor list of construction vendors for use in small purchase construction projects. For any small purchase construction project, the District shall establish and use minimum specifications for the project.

When using an approved vendor list in a small-purchase construction procurement, the District will select vendors and contractors from the list using one of the following methods:

- A rotation system, organized alphabetically, numerically, or randomly;
- Assignment of vendors to a specified geographic area;
- Assignment of vendors based on each vendor's particular expertise or field; or
- Another method approved by the Procurement Official.

Utah Admin. Rules R33-5-106.5(2) (May 23, 2022)

The Procurement Official may procure small construction projects up to a maximum of $25,000 by direct award without seeking competitive bids or quotes after documenting that all building code approvals, licensing requirements, permitting and other construction related requirements are met. The awarded contractor must certify that they are capable of meeting the minimum specifications of the project.

The Procurement Official may procure small construction projects costing more than $25,000 up to a maximum of $80,000 by obtaining a minimum of two competitive quotes that include minimum specifications and shall award to the contractor with the lowest quote that meets the specifications after documenting that all applicable building code approvals, licensing requirements, permitting and other construction related requirements are met.

For construction projects where the total estimated accumulated building project cost exceeds $80,000, the District shall follow the procedures set forth in Policy CCA.

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Utah Admin. Rules R33-5-106 (May 23, 2022)
Utah Code § 53E-3-703 (2019)

Design Professional Small Purchase Process—

After reviewing the qualifications of a minimum of three design professionals, the Procurement Official may obtain design professional services by direct negotiation up to a maximum of $80,000 per project after reviewing the qualifications of a minimum of three design professional firms. Prior to using the design professional small purchase process, the District shall establish minimum specifications.

When using an approved vendor list in a small-purchase design professional procurement, the District will select at least three design professional firms from the list using one of the following methods:

- A rotation system, organized alphabetically, numerically, or randomly;
- Assignment of vendors to a specified geographic area;
- Assignment of vendors based on each vendor's particular expertise or field; or
- Another method approved by the Procurement Official.

After selecting three firms, the District shall rank the firms in order and begin negotiations, up to $80,000, with the highest-ranked firm. If an agreement cannot be reached with that firm, the District shall move to the next highest ranked firm and so on until a fee agreement is reached. If the District is not able to reach agreement with any of the three firms in the first group, it may select additional firms from the list and repeat the process or may cancel the procurement.

Utah Admin. Rules R33-5-105 (May 23, 2022)

Professional and Consultant Small Purchase Process—

After reviewing the qualifications of a minimum of three professional service providers or consultants, the Procurement Official may obtain professional services or consulting services up to a maximum of $80,000 per project by direct negotiation.

If the District uses an approved vendor list in a professional or consultant small-purchase procurement, the District will select a minimum of three potential vendors from the list using one of the following methods:

- A rotation system, organized alphabetically, numerically, or randomly;
- Assignment of vendors to a specified geographic area;
- Assignment of vendors based on each vendor's particular expertise or field; or
- Another method approved by the Procurement Official.

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After selecting three potential vendors from the approved vendor list, the District shall rank the potential vendors in order and begin negotiations, up to $80,000, with the highest-ranked firm. If an agreement cannot be reached with that firm, the District shall move to the next highest ranked firm and so on until a fee agreement is reached. If the District is not able to reach agreement with any of the three firms in the first group, it may select additional firms from the list and repeat the process or may cancel the procurement.

Utah Admin. Rules R33-5-108 (May 23, 2022)

Improper Use of Small Purchase Process—

It is unlawful and a violation of District policy to, with improper intent, knowingly divide a single procurement into multiple smaller procurements, including by dividing an invoice or purchase order into multiple invoices or purchase orders, if the single procurement would not have qualified as a small purchase and one or more of the multiple smaller procurements qualify as a small purchase. “Improper intent” means the intent either (a) to avoid having to use a standard procurement process (other than small purchase) that would otherwise be required or (b) to make one or more of the multiple smaller procurements fall under any small purchase threshold (individual item, single purchase aggregate, or annual cumulative). Caution should be exercised with using purchase cards, and employees should not split purchases with such cards to stay under daily purchase limits on purchase cards or the established purchasing thresholds.

Utah Code § 63G-6a-506(8) (2021)

Additional purchases of the same type of item may be necessary if, for example, it is determined after an order is placed or received that an insufficient quantity was ordered or that incorrect sizes were obtained. If additional purchases of the same item are necessary, for these or other reasons, the employee initiating the purchase must provide a written explanation of the purpose of the purchase and justification as to why it is not considered splitting a purchase. This written explanation should be retained with the vendor invoice.

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Procurement:
Exceptions to Standard Procurement Processes

Exceptions to Standard Procurement Processes—

Any procurement by the District must either be done through one of the standard procurement processes or under a valid exception to those standard processes. The standard procurement processes are (1) bidding, as described in Policies CBB and CBC; (2) requests for proposals, as described in Policy CBD; and (3) small purchases, as described in Policy CBE. The exceptions to the standard procurement processes are sole source procurement, transitional costs/best interest procurement, specified circumstances procurement, trial use contracts, contract extension, emergency procurement, community rehabilitation program procurement, and prison industry goods procurement. The requirements relating to each exception are set forth in this policy.

Utah Code § 63G-6a-103(80), (85) (2022)
Utah Code § 63G-6a-802 (2021)
Utah Code § 63G-6a-803 (2021)
Utah Code § 63G-6a-804 (2020)
Utah Code § 63G-6a-805 (2016)
Utah Admin. Rules R33-8-101 (May 23, 2022)

Notice of Intent to Award Without Standard Procurement Process—

Before the District may award a contract under the sole source, transitional costs/best interest, or specified circumstances procurement processes (rather than one of the standard procurement processes), a "Notice of Intent to Award a Contract Without Engaging in a Standard Procurement Process" must be approved by the Procurement Official. The District may use the form prepared by the Procurement Policy Board or may use its own form, but the notice must be in writing and include, at a minimum, the following information:

1. A description of the procurement item (including, when applicable, the proposed scope of work);
2. The total value of the procurement item (including, when applicable, the actual or estimated full lifecycle cost of maintenance and service agreements);
3. The duration of the proposed contract;
4. The signature of an authorized official of the District; and
5. Research by the District establishing the necessary elements for the alternative method to be used, as follows:
    a. For sole source procurement, showing that there are no other competing vendors or sources for the procurement item in accordance with the requirements set out below;

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b. For transitional costs/best interest procurement, showing that transitional costs are a significant consideration in selecting the procurement item and the results of a cost benefit analysis documenting that transitional costs are unreasonable or cost-prohibitive and that awarding the contract without engaging in a standard procurement process is in the best interest of the District, in accordance with the requirements set out below; and

c. For specified circumstances procurement, the other circumstances which make awarding a contract through a standard procurement process impractical and not in the best interest of the District, in accordance with the requirements set out below.

After approval of the notice by the Procurement Official, before a contract may be awarded the District must also post the notice if the cost of the procurement being considered exceeds $50,000. This posting must be in accordance with Policy CBA.

Posting of the notice is also not required for procurements which are for the following procurement items:

1. Public utility services
2. Conference and convention facilities with unique or specialized amenities, abilities, location, or services
3. Conference fees, including materials
4. Speakers or trainers with unique or proprietary presentations or training materials
5. Hosting of dignitaries (in-state, out-of-state, or international)
6. International, national, or local promotion of the state or a public entity
7. An award when the Legislature identifies the intended recipient of a contract
8. An award to a specific supplier, service provider, or contractor if the award is a condition of a donation or grant that will fund the full cost of the supply, service, or construction item
9. Catering services at government functions where the event requires a caterer with unique and specialized qualifications, skills, and abilities
10. Other circumstances as determined in writing by the Procurement Official

Even though posting of the notice is not required by statute or regulation, the Procurement Official may require the notice to be posted if deemed necessary to uphold the fair and equitable treatment of all persons who deal with the procurement system.

Utah Code § 63G-6a-112 (2021)
Utah Code § 63G-6a-802(3) (2021)
Utah Admin. Rules R33-8-101d (May 23, 2022)
Utah Admin. Rules R33-8-101e (May 23, 2022)

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Contesting a Non-Standard Procurement Process—

A person may contest the notice of intent to award a contract without engaging in a standard procurement process before the closing of the public notice period set forth in Policy CBA by submitting the following information in writing to the Procurement Official: (a) the name of the contesting person and (b) a detailed explanation of the challenge. Depending on the type of non-standard process, the detailed explanation of the challenge would include documentation that there are other competing sources for the procurement item, or that transitional costs are not significant, unreasonable, or cost-prohibitive, or that a standard procurement process is in the best interest of the conducting procurement unit.

Upon receipt of a challenge contesting an award of a contract without engaging in a standard procurement process, the Procurement Official shall conduct an investigation to determine the validity of the challenge and make a written determination either supporting or denying the challenge.

If a challenge is upheld, the District shall either cancel the procurement or shall conduct a standard procurement process for the procurement item being considered. If a challenge is not upheld, the District may proceed with awarding a contract without engaging in a standard procurement process.

By contesting or challenging a notice of intent to use a non-standard process, a vendor does not waive the right to file a protest under the procurement code or District policies.

Utah Admin. Rules R33-8-101f (May 23, 2022)

Negotiation for Best Terms

When the District procures under the sole source, transitional costs/best interest, or specified circumstances procurement processes (rather than one of the standard procurement processes), the Procurement Official shall negotiate with the contractor to ensure that the terms of the contract, including price and delivery, are in the best interest of the District.

Utah Code § 63G-6a-802(4) (2021)

Sole Source Procurement—

Required Conditions for Sole Source Procurement

The District may award a contract for a procurement item without engaging in a standard procurement process if the Procurement Official makes a written determination that there is only one source for the procurement item. Circumstances in which a sole source procurement award may be justified include procurements for (a) a procurement item for which there is no comparable product or service, such as a one-of-a-kind item available from only one vendor, (b) a component or replacement part for which there is no commercially available substitute, and which can be obtained only directly from the manufacturer, or (c) an exclusive maintenance, service, or warranty agreement. An urgent or unexpected

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circumstance or requirement for a procurement item does not justify a sole source procurement.

Utah Code § 63G-6a-103(79), (80) (2022)
Utah Code § 63G-6a-802(1)(a) (2021)
Utah Admin. Rules R33-8-101a (May 23, 2022)

Process for Sole Source Procurement

Before awarding a contract in a sole source procurement, the District must follow the procedure outlined above for the "Notice of Intent to Award a Contract Without Engaging in a Standard Procurement Process." In addition, the Procurement Official shall, when practicable, conduct a price analysis in accordance with Utah Admin. Rules R33-12-603.

Utah Admin. Rules R33-8-101a (May 23, 2022)

Transitional Costs / Cost-Benefit Analysis Procurement—

The District may award a contract for a procurement item without engaging in a standard procurement process if the Procurement Official makes a written determination that transitional costs are a significant consideration in selecting a procurement item and the results of a cost-benefit analysis demonstrate that transitional costs are unreasonable or cost-prohibitive and that awarding a contract without engaging in a standard procurement process is in the best interest of the District.

Utah Code § 63G-6a-802(1)(b) (2021)
Utah Admin. Rules R33-8-101(1)(b) (May 23, 2022)

Definitions

"Transitional costs" mean the costs of changing from an existing provider of, or type of, a procurement item to another provider of, or type of, procurement item, including training costs, conversion costs, compatibility costs, costs associated with system downtime, disruption of service costs, staff time necessary to implement the change, installation costs, and ancillary software, hardware, equipment, or construction costs. "Transitional costs" do not include (1) the costs of preparing for or engaging in a procurement process, or (2) contract negotiation or contract drafting costs, or (3) costs associated with a trial use or testing of a procurement item under a trial use contract.

Utah Code § 63G-6a-103(92) (2022)

"Competing type of procurement item" means a type of procurement item that is the same, equivalent, or superior to the existing type of procurement item currently under contract in all material aspects including performance, specifications, scope of work, and provider qualifications, certifications, and licensing.

Utah Admin. Rules R33-8-101b(1)(a) (May 23, 2022)

"Competing provider" means another provider other than the existing provider under contract that provides a competing type of procurement item.

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Utah Admin. Rules R33-8-101b(1)(b) (May 23, 2022)

"Significant," "unreasonable or cost-prohibitive" transitional costs are defined as costs associated with changing from an existing provider of a procurement item to another provider of that procurement item or from an existing type of procurement item to another type that (a) constitute a measurably large amount that would likely have an influence or effect on the award of a contract if a competitive procurement were to be conducted for the procurement item being considered; and (b) provides a compelling justification for not conducting a competitive standard procurement process.

Utah Admin. Rules R33-8-101b(1)(c) (May 23, 2022)

Cost-benefit analysis

Before awarding a contract under the transitional costs/cost-benefit procurement process, the District shall complete a written cost-benefit analysis with regard to the procurement to determine whether the procurement is permitted. The cost-benefit analysis shall be considered by the Procurement Official before approving the procurement. This cost-benefit analysis should not be overly time-consuming to complete, nor should it involve hiring costly consultants or engaging in costly financial analysis.

Utah Admin. Rules R33-8-101b(5), (6) (May 23, 2022)

The cost-benefit analysis must consider the following transitional costs: (a) costs that are directly associated with changing from an existing provider of a procurement item to a competing provider of that procurement item or from an existing type of procurement item to a competing type of procurement item; and (b) A full lifecycle cost analysis of the existing type of procurement item and competing type of procurement items to determine which procurement item is more cost-effective.

Utah Admin. Rules R33-8-101b(2) (May 23, 2022)

The cost-benefit analysis may consider the following transitional costs: (a) any costs identified in the definition of "transitional costs" set forth above, (b) costs offered by a competing provider for a competing type of procurement item in a competitive bid or request for proposals process conducted within the last 12 months, (c) costs offered by a competing provider for a competing type of procurement item in a competitive bid or request for proposals process conducted before the most recent 12 months, updated using an applicable price index, (d) written cost estimates obtained by the District from a competing provider(s) for a competing type of procurement item, and (e) other transitional costs determined to be applicable by the Procurement Official.

Utah Admin. Rules R33-8-101b(3) (May 23, 2022)

The cost-benefit analysis may NOT consider the following costs: (a) costs excluded from the definition of "transitional costs" above, (b) data provided by the existing provider for establishing either the market value of the existing type of

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procurement item or a competing provider's price for a competing type of procurement item, (c) costs associated with any other procurement item other than the existing type of procurement item or a competing type of procurement item, (d) non-monetary factors, such as the provider's performance, agency preference, and other data or information not specific to the transitional costs associated with the existing type of procurement item or a competing type of procurement item, (e) factors other than the monetary transitional costs directly associated with changing from an existing provider of a procurement item to a competing provider of that procurement item or from an existing type of procurement item to a competing type of procurement item, and (f) other transitional costs or other information deemed inappropriate by the Procurement Official.

Utah Admin. Rules R33-8-101b(4) (May 23, 2022)

Specified Other Circumstances Procurement—

The District may award a contract for a procurement item without engaging in a standard procurement process if the Procurement Official makes a written determination that awarding a contract through a standard procurement process is impractical and not in the best interest of the District.

Utah Code § 63G-6a-802(1)(c) (2021)
Utah Admin. Rules R33-8-101(1)(c) (May 23, 2022)

In considering whether the use of a standard procurement process is impractical and not in the best interest of the District, the Procurement Official may consider the following circumstances:

1. awarding the contract to a specific supplier, service provider, or contractor is a condition of a donation or grant that will fund the full cost of the supply, service, or construction item;
2. the procurement item is public utility services and only one public utility service of the type is available in an area;
3. the procurement item is one where compatibility is the overriding consideration; or
4. the procurement item is a used item that presents a unique, specialized, or time-limited buying opportunity.

Utah Admin. Rules R33-8-101c (May 23, 2022)

Prior to awarding a contract under this process, the District must follow the procedure outlined above for the "Notice of Intent to Award a Contract Without Engaging in a Standard Procurement Process."

Utah Admin. Rules R33-8-101d (May 23, 2022)

Trial Use Contracts—

A "trial use contract" is a contract between the District and a vendor for a procurement item where the purpose of the contract is(1) to determine whether the

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item will benefit the District, (2) to assess the feasibility of an item that is new or innovative or has a proposed use or application that is novel or unproven, or (3) to evaluate whether to conduct a standard procurement process for the item being tested.

Utah Code § 63G-6a-802.3(1)(a) (2020)

The District may award a trial use contract without engaging in a standard procurement process if the contract is (1) awarded for a procurement item that is not already available to the District under an existing contract, (2) restricted to the procurement of a procurement item in the minimum quantity and for the minimum period of time necessary to test the procurement item, (3) the only trial use contract for the District for the same procurement item; and (4) not used to circumvent the purposes and policies of the Procurement Code.

Utah Code § 63G-6a-802.3(1)(b) (2020)

The period of trial use or testing of a procurement item under a trial use contract may not exceed 24 months, unless the Procurement Official provides a written exception documenting the reason for a longer period.

Utah Code § 63G-6a-802.3(2) (2020)

A trial use contract shall:

- state that the contract is strictly for the purpose of the trial use or testing of a procurement item;
- state that the contract terminates upon completion of the trial use or testing period;
- state that the District is not obligated to purchase or enter into a contract for the procurement item, regardless of the trial use or testing result;
- state that any purchase of the procurement item beyond the terms of the trial use contract will be made in accordance with the Procurement Code; and
- include, as applicable:
  - test schedules;
  - deadlines and a termination date;
  - measures that will be used to evaluate the performance of the procurement item;
  - any fees and associated expenses or an explanation of the circumstances warranting a waiver of those fees and expenses;
  - the obligations of the District and vendor;
  - provisions regarding the ownership of the procurement item during and after the trial use or testing period;
  - an explanation of the grounds upon which the contract may be terminated;

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- a provision relating to any required bond or security deposit; and
- other requirements unique to the procurement item for trial use or testing.

Utah Code § 63G-6a-802.3(3) (2020)

The District is not required to publish notice of a trial use contract.

Utah Code § 63G-6a-802.3(4) (2020)

Contract Extension—

The Procurement Official may extend an existing contract without engaging in a standard procurement process as stated in this section.

A contract extension does not involve a standard procurement process. Because one of the purposes and policies of the Procurement Code is to ensure the fair and equitable treatment of all persons who deal with the procurement system and to foster effective broad-based competition within the free enterprise system, and the most effective way to achieve this is by conducting a standard procurement process when public funds are expended for a procurement item, a contract extension should only be used after thorough analysis and proper justification.

Utah Admin. Rules R33-8-110(1) (May 23, 2022)

Avoidance of contract extensions

In fulfillment of its contract administration duties, the District shall maintain a process or system for tracking contract expiration dates to determine well in advance of a contract expiration date if there is a continuing need for the procurement item. If the District determines there is a continuing need for the procurement item, the District unit shall when practicable initiate a standard procurement process no later than 90 days before the contract expiration date of an existing contract and no later than 45 days before the contract expiration date, publish, if applicable, a solicitation for the procurement item. However, if the District determines that a procurement will be complex or involve a change in industry standards or new specifications requiring negotiations, the District shall initiate a standard procurement process no later than 180 days before the contract expiration date and no later than 45 days before the contract expiration date, publish, if applicable, a solicitation for the procurement item.

Utah Admin. Rules R33-8-110(2) (May 23, 2022)

Circumstances which do not justify contract extension

Contract extension is not justified if there has been an intentional delay in conducting a standard procurement process to award a contract to replace an expiring contract, or if there has been an intentional delay in executing a contract to replace an expiring contract. An improper avoidance of use of a standard procurement process to extend the duration of an existing contract with a vendor may be considered steering a contract to a favored provider, which is unlawful conduct.

Utah Admin. Rules R33-8-110(3), (4) (May 23, 2022)

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Process for contract extension

An existing contract may be extended for a period not to exceed 120 days if:

- an extension is necessary to either
  - avoid a lapse in a critical governmental service, or
  - to mitigate a circumstance that is likely to have a negative impact on public health, safety, welfare, or property, and
- the District is engaged in a standard procurement process for an item that is the subject of the contract being extended, and
  - the standard procurement process is delayed due to unintentional error, or
  - a change in industry standards requires one or more significant changes to specifications for the procurement item, or
  - the extension is necessary to either
    - prevent the loss of federal funds, or
    - mitigate the effects of a delay of a state or federal appropriation, or
    - to enable the District to continue to receive a procurement item during a delay in the implementation of a contract awarded pursuant to a procurement that has already been conducted, or
    - to enable the District to continue to receive a procurement item during a period of time during which negotiations with a vendor under a new contract for the item are being conducted;

An existing contract may be extended for the period of a protest, appeal, or court action if such protest, appeal, or court action is the reason for delaying the award of a new contract.

An existing contract may be extended for a period exceeding 120 days if, after consulting with the attorney general or the District's attorney, the Procurement Official determines in writing that the extension does not violate state or federal antitrust laws and is consistent with the purpose of ensuring the fair and equitable treatment of all persons who deal with the procurement system.

Utah Code § 63G-6a-802.7 (2020)

Emergency Procurement—

Notwithstanding any other District policy regarding procurement, the Procurement Official may authorize an emergency procurement without using a standard procurement process if the procurement is necessary to mitigate circumstances that create harm or risk of harm to public health, safety, welfare, or property, including a natural disaster. For purposes of emergency procurement, a "natural disaster" exists when the following are present:

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1. Either the president of the United States has declared an emergency or natural disaster in Utah or the governor has declared a state of emergency under Utah Code Title 53, Chapter 2a, Part 2 (Disaster Response and Recovery Act); and
2. One or more of the following has caused widespread damage:
    a. An explosion;
    b. Fire;
    c. A flood;
    d. A storm;
    e. A tornado;
    f. Winds;
    g. An earthquake;
    h. Lightning; or
    i. Other adverse weather event.

Circumstances that may create harm or risk of harm to public health, welfare, safety, or property include:

1. damage to a facility or infrastructure resulting from flood, fire, earthquake, storm, or explosion;
2. failure or imminent failure of a public building, equipment, road, bridge or utility;
3. terrorist activity;
4. epidemics;
5. civil unrest;
6. events that impair the ability of a public entity to function or perform required services;
7. situations that may cause harm or injury to life or property; or
8. other conditions as determined in writing by the Procurement Official.

Emergency procurements are limited to those procurement items necessary to mitigate the emergency.

The District shall ensure that the procurement is made with as much competition as reasonably practicable (through use of phone quotes, Internet quotes, limited invitations to bid, or other selection methods) while avoiding harm, or risk of harm, to the public health, safety, welfare, property, or impairing the ability of a public entity (including the District) to function or perform required services.

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Within 14 days of making an emergency procurement, the District shall make available on its website a written document describing the specific emergency that necessitated the procurement, the name of the highest-ranking District official that approved the procurement, and each written contract related to the procurement

The term of a contract entered into for an emergency procurement may be no longer than 30 days, unless the procurement is related to a natural disaster, in which case the term may be up to 60 days. These time limitations do not apply to the emergency procurement of legal services, but a person hired by emergency procurement to provide legal services may not under such contract hire or otherwise provide remuneration to a consultant for services related to any topic that is not directly related to the legal services for which the person was hired.

Utah Code § 63G-6a-803 (2021)
Utah Admin. Rules R33-8-401 (May 23, 2022)

Procurement from Community Rehabilitation Programs—

The Utah Purchasing from Persons with Disabilities Advisory Board establishes a preferred procurement contract list of goods and services available for purchase from community rehabilitation programs, developing, maintaining, and approving a preferred procurement contract list of goods and services. Unless the fiscal year threshold has been reached as stated below, the District shall purchase goods and services using this preferred procurement contract list if:

- the good or service offered for sale by a community rehabilitation program reasonably conforms to the needs and specifications of the District;
- the community rehabilitation program can supply the good or service within a reasonable time; and
- the price of the good or service is reasonably competitive with the cost of procuring the good or service from another source.

Procurement from this preferred procurement contract list may be done without using a standard procurement process.

The requirement that the District purchase available goods from this preferred procurement contract list does not apply during a particular fiscal year if the Division of Purchasing and General Services determines that the total amount of procurement contracts with community rehabilitation programs has reached $5 million for that fiscal year.

Utah Code § 63G-6a-805(4), (7), (9) (2016)

Purchase of Prison Industry Goods—

The District may purchase goods and services from the Utah Correctional Industries Division without following a standard procurement process. The director of Utah Correctional Industries publishes a catalog of goods and services which includes a description and price of each item offered for sale. In determining whether to procure a goods or services from the Correctional Industries Division, the

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Procurement Official shall consider whether such procurement is in the best interests of the District, including for example (a) whether the good or service meets the reasonable requirements of the District, (b) when the good or service can be supplied by the division, and (c) whether the cost of the good or service, including basic price, transportation costs, and other expenses of acquisition, is competitive with the cost of procuring the item from another source.

Utah Code § 63G-6a-804 (2020)

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Procurement:
Contracts and Contract Limitations

Definitions—

In this policy, the following definitions apply:

- "Change order" means a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual agreement of the parties to the contract.
- "Construction project" means a project for the construction, renovation, alteration, improvement, or repair of a public facility on real property, including all services, labor, supplies, and materials for the project. It does not include services and supplies for the routine, day-to-day operation, repair, or maintenance of an existing public facility.
- "Construction manager/general contractor" means a contractor who enters into a contract for the management of a construction project that allows the contractor to subcontract for additional labor and materials that are not included in the contractor's cost proposal submitted at the time of the procurement of the contractor's services. It does not include a contractor whose only subcontract work not included in the contractor's cost proposal submitted as part of the procurement of the contractor's services is to meet subcontracted portions of change orders approved within the scope of the project.
- "Cost-plus-a-percentage-of-cost contract" means a contract under which the contractor is paid a percentage of the total actual expenses or costs in addition to the contractor's actual expenses or costs.
- "Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs which are allowed and allocated in accordance with the contract terms and the provisions of the procurement policies and Utah Procurement Code, and a fee, if any.
- "Definite quantity contract" means a fixed price contract that provides for a specified amount of supplies over a specified period, with deliveries scheduled according to a specified schedule.
- "Design-build" means the procurement of design professional services and construction by the use of a single contract.
- "Design professional" means (a) an individual licensed as an architect under Utah Code Title 58, Chapter 3a, Architects Licensing Act; (b) an individual licensed as a professional engineer or professional land surveyor under Utah Code Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; or (c) an individual certified as a commercial interior

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designer under Title 58, Chapter 86, State Certification of Commercial Interior Designers Act.

- "Design professional services" means: (a) professional services within the scope of the practice of architecture as defined in Utah Code § 58-3a-102; (b) professional engineering as defined in Utah Code § 58-22-102; (c) master planning and programming services; or (d) services within the scope of the practice of commercial interior design, as defined in Utah Code § 58-86-102.
- "Established catalogue price" means the price included in a catalogue, price list, schedule, or other form that: (a) is regularly maintained by a manufacturer or contractor; (b) is published or otherwise available for inspection by customers; and (c) states prices at which sales are currently or were last made to a significant number of any category of buyers or buyers constituting the general buying public for the supplies or services involved.
- "Fixed price contract" means a contract that provides a price, for each procurement item obtained under the contract, that is not subject to adjustment except to the extent that either (a) the contract provides, under circumstances specified in the contract, for an adjustment in price that is not based on cost to the contractor; or (b) an adjustment is required by law.
- "Fixed price contract with price adjustment" means a fixed price contract that provides for an upward or downward revision of price, precisely described in the contract, that: (a) is based on the consumer price index or another commercially acceptable index, source, or formula; and (b) is not based on a percentage of the cost to the contractor.
- "Indefinite quantity contract" means a fixed price contract that both (a) is for an indefinite amount of procurement items to be supplied as ordered by the District; and (b) either does not require a minimum purchase amount or provides a maximum purchase limit.
- "Labor hour contract" is a contract under which the supplies and materials are not provided by, or through, the contractor and the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit for a specified number of labor hours or days.
- "Multiple award contract" means a procurement process resulting in the award of a contract to more than one person, which may be for an indefinite quantity of a procurement item.
- "Multiyear contract" means a contract that extends beyond a one-year period, including a contract that permits renewal of the contract, without competition, beyond the first year of the contract.
- "Requirements contract" means a contract: (a) under which a contractor agrees to provide the District's entire requirements for certain procurement items at prices specified in the contract during the contract period; and (b)

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that either does not require a minimum purchase amount or provides a maximum purchase limit.

Utah Code § 63G-6a-103 (2022)
Utah Admin. Rules R33-12-301(1) (May 23, 2022)

Permissible and Impermissible Types of Contracts—

Except as otherwise provided in this policy, and subject to any rules made by the Procurement Policy Board, the District may use any type of contract that will promote its best interests. However, before the District uses any type of contract other than a firm fixed price contract, the Procurement Official must first make a written determination that:

1. the proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated;
2. the proposed contractor's accounting system is adequate to allocate costs in accordance with generally accepted accounting principles; and
3. the use of a specified type of contract, other than a firm fixed price contract, is in the best interest of the District, taking into consideration the following criteria:
    a. the type and complexity of the procurement item;
    b. the difficulty of estimating performance costs at the time the contract is entered into, due to factors that may include:
        i. the difficulty of determining definitive specifications;
        ii. the difficulty of determining the risks, to the contractor, that are inherent in the nature of the work to be performed; or
        iii. the difficulty to clearly determine other factors necessary to enter into an accurate firm fixed price contract;
    c. the administrative costs to the District and the contractor;
    d. the degree to which the District is required to provide technical coordination during performance of the contract;
    e. the impact that the choice of contract type may have upon the level of competition for award of the contract;
    f. the stability of material prices, commodity prices, and wage rates in the applicable market;
    g. the impact of the contract type on the level of urgency related to obtaining the procurement item;
    h. the impact of any applicable governmental regulation relating to the contract; and

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i. other criteria that the Procurement Official determines may relate to determining the contract type that is in the best interest of the District.

Subject to this policy and any rules made by the Procurement Policy Board, the District may use the following types of contracts:

1. a fixed price contract;
2. a fixed price contract with price adjustment;
3. a time and materials contract;
4. a labor hour contract;
5. a definite quantity contract;
6. an indefinite quantity contract;
7. a requirements contract;
8. a contract based on a rate table in accordance with industry standards; or
9. a contract that includes one of the following construction delivery methods:
   a. design-build;
   b. design-bid-build; or
   c. construction manager/general contractor.

Except as it applies to a change order, the District may not enter into a cost-plus-percentage-of-cost contract, unless:

1. use of a cost-plus-percentage-of-cost contract is approved by the Procurement Official;
2. it is standard practice in the industry to obtain the procurement item through that type of contract; and
3. the percentage and the method of calculating costs in the contract are in accordance with industry standards.

The District may not enter into a cost-reimbursement contract, unless the Procurement Official makes a written determination that: (1) either (a) a cost-reimbursement contract is likely to cost less than any other type of permitted contract; or (b) it is impracticable to obtain the procurement item under any other type of permitted contract; and (2) the proposed contractor's accounting system will both (a) timely develop the cost data in the form necessary for the District to timely and accurately make payments under the contract; and (b) allocate costs in accordance with generally accepted accounting principles.

Utah Code § 63G-6a-1205 (2020)

Determining allowable incurred costs under a cost-based contract

Except as provided below, a person who seeks to be, or is, a party in a cost-based contract with the District shall submit cost or pricing data relating to

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determining the cost or pricing amount and shall certify that, to the best of the contractor's knowledge and belief, the cost or pricing data submitted is accurate and complete as of the date specified by the District. The Procurement Official shall ensure that the specified date is before (a) the pricing of any contract awarded by a standard procurement process or pursuant to a sole source procurement, if the total contract price is expected to exceed an amount established by rule of the Procurement Policy Board made by the applicable rulemaking authority; or (b) the pricing of any change order that is expected to exceed an amount established by rule of the Procurement Policy Board.

A contract or change order that requires a cost or pricing data certification shall include a provision that the price to the District, including profit or fee, shall be adjusted to exclude any significant sums by which the District finds that the price was increased because the contractor provided cost or pricing data that was inaccurate, incomplete, or not current as of the date specified by the Procurement Officer.

A cost-reimbursement contract does not have to meet the cost or pricing data requirements above if:

1. the contract price is based on adequate price competition;
2. the contract price is based on established catalogue prices or market prices;
3. the contract price is set by law or rule; or
4. the procurement states, in writing that in accordance with Procurement Policy Board rules the requirements may be waived and sets forth the reasons for that waiver.

Utah Code § 63G-6a-1206 (2020)

Price Adjustments

For contracts that expressly allow price adjustments, cost or pricing data shall be required in support of a proposal leading to the adjustment of any contract pricing. Such data does not need to be provided when the terms of the contract state established market indices, catalog prices or other benchmarks are used as the basis for contract price adjustments or when prices are set by law or rule. If a contractor submits a price adjustment higher than established market indices, catalog prices or other benchmarks established in the contract, the Procurement Official may request additional cost or pricing data. The Procurement Official may waive the requirement for cost or pricing data provided a written determination is made supporting the reasons for the waiver. A copy of the determination shall be kept in the contract file.

If defective cost or pricing data was used to adjust a contract price, the vendor and the District may enter into discussions to negotiate a settlement. If a settlement cannot be negotiated, either party may seek relief through the courts.

Utah Admin. Rules R33-12-601 (May 23, 2022)

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Utah Admin. Rules R33-12-602 (May 23, 2022)

Installment payments and contract prepayments

The District may enter into a contract which provides for installment payments, including interest charges, over a period of time, if the Procurement Official makes a written finding that:

1. the use of installment payments is in District's interest;
2. installment payments are not used as a method of avoiding budgetary constraints;
3. the District has obtained all budgetary approvals and other approvals required for making the installment payments;
4. all aspects of the installment payments required in the contract are in accordance with the requirements of law; and
5. for a contract awarded through an invitation for bids or a request for proposals, the invitation for bids or request for proposals indicates that installment payments are required or permitted.

The District may not pay for a procurement item before the District receives the procurement item unless the Procurement Official determines that it is necessary or beneficial for the District to pay for the procurement item before the District receives the procurement item. Such circumstances include (a) when it is customary in the industry to prepay for the procurement item, (b) if the District will receive an identifiable benefit by prepaying, including reduced costs, additional procurement items, early delivery, better service, or better contract terms; or (c) such other circumstances as may be permitted by Procurement Policy Board rule. The determination shall be in writing unless the Procurement Policy Board has by rule identified circumstances when it is not necessary to be in writing and those circumstances are present.

A prepaid expenditure shall be supported by documentation indicating:

1. the amount of the prepayment;
2. the prepayment schedule;
3. the procurement items to which each prepayment relates;
4. the remedies for a contractor's noncompliance with requirements relating to the provision of the procurement items; and
5. all other terms and conditions relating to the payments and the procurement items.

The Procurement Official may require a performance bond, of up to 100% of the prepayment amount, from the person to whom the prepayments are made.

Utah Code § 63G-6a-1208 (2020)

Leases of personal property

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As used in this policy, “lease” means for the District to lease or lease-purchase a procurement item from a person. (This does not apply to the lease of real property.) The District may only lease a procurement item if each of the following requirements is met:

1. the Procurement Official determines that it is in the best interest of the District to lease the procurement item, after investigating and considering the costs and benefits of alternative means of obtaining the procurement item;
2. all conditions for renewal and costs of termination are included in the lease;
3. the lease is awarded through a standard procurement process or a valid exception described in Policy CBF;
4. for a standard procurement process, the invitation for bids, request for proposals, or request for quotes states that the District is seeking, or willing to consider, a lease (or a lease purchase);
5. the lease is not used to avoid competition; and
6. the lease complies with all other applicable provisions of law or rule.

Utah Code § 63G-6a-1209 (2013)

Multiyear contracts

The District may enter into a multiyear contract if the Procurement Official determines, in his or her discretion, that doing so is in the District’s best interest and the other requirements of this section are satisfied. The Procurement Official shall consider whether the multiyear contract will:

- result in significant savings to the District, including (a) reduction of the administrative burden in procuring, negotiating, or administering contracts, (b) continuity in operations of the District, or (c) the ability to obtain a volume or term discount;
- encourage participation by a person who might not otherwise be willing or able to compete for a shorter term contract; or
- provide an incentive for a bidder or offeror to improve productivity through capital investment or better technology.

The invitation for bids or request for proposals must (a) state the term of the contract, including all possible renewals of the contract, (b) state the conditions for renewal of the contract, and (c) include the pertinent funding and renewal condition provision applicable to the contract.

Except as stated below with regard to contracts with federal funding and regardless of anything in an invitation for bids, request for proposals, or a contract, no multiyear contract may continue or be renewed for any year after the first year of the multiyear contract if adequate funds are not appropriated or otherwise available to continue or renew the contract.

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A multiyear contract that is funded solely by federal funds may be continued or renewed for any year after the first year of the multiyear contract if:

1. adequate funds to continue or renew the contract have not been, but are expected to be appropriated by, and received from, the federal government;
2. continuation or renewal of the contract before the money is appropriated or received is permitted by the federal government; and
3. the contract states that it may be cancelled or suspended, without penalty, if the anticipated federal funds are not appropriated or received.

A multiyear contract that is funded in part by federal funds may be continued or renewed for any year after the first year of the multiyear contract if:

1. the portion of the contract that is to be funded by District funds are appropriated;
2. adequate federal funds to continue or renew the contract have not been, but are expected to be, appropriated by, and received from, the federal government;
3. continuation or renewal of the contract before the federal money is appropriated or received is permitted by the federal government; and
4. the contract states that it may be cancelled or suspended, without penalty, if the anticipated federal funds are not appropriated or received.

The District may not continue or renew a multiyear contract after the end of the multiyear contract term or the renewal periods described in the contract, unless the District engages in a new standard procurement process or complies with a valid exception to standard procurement.

A multiyear contract, including any renewal periods, may not exceed a period of five years, unless the Procurement Official makes a written determination that the longer period is necessary in order to obtain the procurement item, or that a longer period is customary for industry standards, or that a longer period is in the best interest of the District. This written determination must be included in the file relating to the procurement. However, this limitation does not apply to a contract for the design or construction of a facility, a road, or a contract for the financing of equipment.

Utah Code § 63G-6a-1204 (2021)

Multiple award contracts

The District may enter into multiple award contracts with multiple persons through a standard procurement process as provided in this section. Multiple award contracts may be in the District's best interest if award to two or more bidders or offerors for similar procurement items is needed or desired for adequate delivery, service, availability, or product compatibility.

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In entering into or seeking to enter into multiple award contracts, the District shall exercise care to protect and promote competition among bidders or offerors and shall name all eligible users of the multiple award contracts in the invitation for bids or request for proposals. If the District anticipates entering into multiple award contracts before issuing the invitation for bids or request for proposals, the invitation or request shall state that the District may enter into multiple award contracts at the end of the procurement process.

Once the District has entered into multiple award contracts, it shall obtain under those contracts all of its normal, recurring requirements for the procurement items that are the subject of the contracts until the contracts terminate. However, the District shall in the contracts reserve the right to obtain the procurement items separately from the contracts if either (a) there is a need to obtain a quantity of the procurement items that exceeds the amount specified in the contracts, or (b) the Procurement Official makes a written finding that the procurement items available under the contract will not effectively or efficiently meet a nonrecurring special need of the District.

Utah Code § 63G-6a-1204.5 (2020)

Awarding multiple award contracts

Multiple award contracts are appropriate when two or more bidders or offerors for similar procurement items are needed for coverage on a statewide, regional, combined statewide and regional basis, agency specific requirement, or other criteria specified in the solicitation such as (a) delivery, (b) service, (c) product availability, or (d) compatibility with existing equipment or infrastructure.

In addition to the information required in an invitation for bids or request for proposals, when it is anticipated that a procurement will result in multiple contract awards, the solicitation shall include a statement that:

1. Indicates that contracts may be awarded to more than one bidder or offeror;
2. Specifies whether contracts will be awarded on a statewide, regional, combined statewide and regional basis, or agency specific requirement; and
3. Describes specific methodology or a formula that will be used to determine the number of contract awards.

Multiple award contracts in an invitation for bids shall be conducted in accordance with the requirements for a bidding procurement process and awarded to the lowest responsive and responsible bidder(s) who meet the objective criteria described in the invitation for bids. The contracts may be awarded using the following methods:

1. Based on the lowest bids for procurement items solicited provided the solicitation indicates that multiple contracts will be awarded to the lowest bidders for procurement items being solicited as determined by the following methods:

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a. bids within a specified percentage, not to exceed five percent, of the lowest responsive and responsible bid, unless otherwise approved in writing by the Procurement Official;

b. responsive and responsible bidders will be awarded a contract, provided the contract specifically directs that orders must be placed first with low bidder unless the lowest bidder cannot provide the needed procurement item, then with the second lowest bidder unless the second lowest bidder cannot provide the needed procurement item, then with the third lowest bidder unless the third lowest bidder cannot provide the needed procurement item, and so on in order from the lowest responsive and responsible bidder to the highest responsive and responsible bidder; or

c. other methodology described in the solicitation to award contracts;

2. Based on the lowest bid by category, provided:

   a. the solicitation indicates that a contract will be awarded based on the lowest bid per category; and

   b. only one bidder may be awarded a contract per category;

3. Based on the lowest bid by line item, provided:

   a. the solicitation indicates that a contract will be awarded based on the lowest bid per line item, task or service; and

   b. only one bidder may be awarded a contract per line item, task or service; or

4. Based on another specific objective methodology described in the solicitation, such as for primary and secondary contracts (as described below), approved by the Procurement Official.

Multiple award contracts in a request for proposals shall be conducted and awarded in accordance with the requirements for a request for proposals procurement process and awarded in accordance with point thresholds and other methodology set forth in the request for proposals describing how multiple award contracts will be awarded with enough specificity as to avoid the appearance of any favoritism affecting the decision of whether to award a multiple contract and who should receive a multiple award contract.

Utah Admin. Rules R33-12-301 (May 23, 2022)

<u>Primary and secondary contracts</u>

Designations of multiple award contracts as primary and secondary may be made provided a statement to that effect is contained in the solicitation documents. When the Procurement Official determines that the need for procurement items will exceed the capacity of any single primary contractor, secondary contracts may be awarded to additional contractors.

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Purchases under primary and secondary contracts shall be made, initially to the primary contractor offering the lowest contract price until the primary contractor's capacity has been reached or the items are not available from the primary contractor, then to secondary contractors in progressive order from lowest price or availability to the next lowest price or availability, and so on.

Utah Admin. Rules R33-12-302 (May 23, 2022)

Contract Clauses—

Required contract clauses

Contracts entered into by the District for construction of school buildings shall contain a clause addressing the rights of the parties when, after the contract is executed, site conditions are discovered that the contractor did not and could not reasonably have known existed at execution and those conditions materially impact the costs of construction.

Utah Code § 53E-3-711 (2018)

Permissible clauses

The District may include in any of its contracts terms that provide for (a) incentives, including bonuses, (b) payment of damages, including liquidated damages, and (c) penalties.

Utah Code § 63G-6a-1210 (2013)

Standard terms and conditions

The District may establish standard terms and conditions for contracts. Terms and conditions may be established for a category of procurement items, a specific procurement item, general use in all procurements, the special needs of the District, or the requirements of federal funding.

Utah Admin. Rules R33-12-201 (May 23, 2022)

Prohibited contract clauses for design professionals

A contract entered into by the District in a procurement may not require that a design professional indemnify another from liability claims that arise out of the design professional's services, unless the liability claim arises from the design professional's negligent act, wrongful act, error or omission, or other liability imposed by law. This limitation may not be waived by contract. However, a design professional may be required to indemnify a person for whom the design professional has direct or indirect control or responsibility.

Utah Code § 63G-6a-1203 (2015)

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Procurement:
Interaction with Other Procurement Units

Agreements With Other Procurement Units—

The District may enter into an agreement with one or more other public entities to do any of the following:

- sponsor, conduct, or administer a cooperative agreement for either the procurement of a procurement item, in accordance with this policy, or for the disposal of a procurement item;
- cooperatively use a procurement item;
- commonly use or share warehousing facilities, capital equipment, and other facilities;
- provide personnel, if the receiving public entity pays the public entity providing the personnel the direct and indirect cost of providing the personnel, in accordance with the agreement; or
- Purchase from, contribute to, or otherwise participate in a pooled governmental funds program for the purpose of acquiring or sharing information, data, reports, or other services in accordance with the terms of the agreement.

Utah Code § 63G-6a-2102 (2020)

Compliance by One is Compliance for All—

When a procurement unit that administers a cooperative procurement complies with the requirements of the Utah Procurement Code, any procurement unit participating in the purchase is considered to have complied with the procurement code. However, neither the District nor any other procurement unit may enter into a cooperative procurement agreement for the purpose of circumventing the Utah Procurement Code, rules of the Procurement Policy Board, or the District's procurement policies.

Utah Code § 63G-6a-2104 (2014)

Requirements—

The District may participate in, sponsor, conduct, or administer a cooperative procurement with another Utah procurement unit or another public entity in Utah, if the following requirements are met:

1. each party unit involved in the cooperative procurement enters into an agreement describing the rights and duties of each party;

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2. the procurement is conducted, and the contract awarded, in accordance with the requirements of the Procurement Code, rules of the Procurement Policy Board, and the District's procurement policies;
3. the solicitation both
   a. clearly indicates that the procurement is a cooperative procurement and
   b. identifies each party that may purchase under the resulting contract; and
4. each party involved in the cooperative procurement signs a participating addendum describing its rights and obligations in relation to the resulting contract

Utah Code § 63G-6a-2105(4)(b) (2016)

Purchases from Other Procurement Units—

The District is not required to meet the requirements of the Procurement Code, Procurement Policy Board rules, or District procurement policies to purchase a procurement item from another public entity. This does not permit the District to obtain a procurement item under another public entity's contract, except as provided for with respect to State contracts below. To the extent that the District makes items that it produces or provides available for purchase by other procurement units, the District may also publish a schedule of costs or fees for those items.

Utah Code § 63G-6a-2103 (2020)
Utah Code § 63G-6a-107.6(1) (2021)

Grants Not Subject to Procurement Code—

Except for those parts which relate to unlawful conduct and penalties, the Utah Procurement Code, the rules of the Procurement Policy Board, and the District's procurement policies do not apply to grants awarded to the District.

Utah Code § 63G-6a-107.6(3)(b) (2021)

Federal Government Exception to Procurement Requirements—

The District may contract with the federal government without going through a standard procurement process or an exception to a standard procurement process if the procurement item obtained under the contract is provided either (a) directly by the federal government and not by a person contracting with the federal government, or (b) by a person under contract with the federal government that obtained the contract in a manner that substantially complies with the Utah Procurement Code. However, the District may not obtain a procurement item under a contract held by the United States General Services Administration, unless, based upon documentation provided by the District, the Director of the State Division of Purchasing and General Services determines in writing that the United States General Services Administration procured the contract in a manner that substantially complies with the Utah Procurement Code.

Utah Code § 63G-6a-2105(4)(a), (6) (2016)

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Participating in a State Contract—

A "cooperative purchasing organization" is an organization, association, or alliance of purchasers established to combine purchasing power in order to obtain the best value for the purchasers by engaging in cooperative procurements in accordance with the Procurement Code. The District may obtain a procurement item from a state cooperative contract or a contract awarded by the state's chief procurement officer or that resulted from a cooperative procurement between the state's chief procurement officer and another state, a cooperative purchasing organization, or a public entity inside or outside of Utah, without signing a participating addendum if the solicitation used to obtain the contract includes a statement indicating that the resulting contract will be issued on behalf of public entities and, as applicable, nonprofit organizations and agencies of the federal government.

Utah Code § 63G-6a-103(19) (2022)
Utah Code § 63G-6a-2105(1), (2) (2016)

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Procurement:
Records of Procurement

Records Retention—

The District shall retain and dispose of all procurement records in accordance with the Utah Government Records Access and Management Act ("GRAMA") and Policy GA.

The District's official contract file relating to each procurement shall include all written determinations required by the District's procurement policies, the rules of the Utah Procurement Policy Board, or the Utah Procurement Code.

For all procurements on which $100 or more is expended, the District shall keep written records for the longer of: six years, the time otherwise required by law, or the time provided for in rules made by the Procurement Policy Board. These written records shall be made available to the public upon request as provided by Policy GA. These written records shall include:

1. the name of the provider from whom the procurement was made;
2. a description of the procurement item;
3. the date of the procurement; and
4. the expenditure made for the procurement.

Utah Code § 63G-6a-2002 (2020)

Records of Small Purchase, Sole Source, and Emergency Contracts—

The Procurement Official shall maintain a record of each contract made under the small purchase procurement process or under the sole source or emergency procurement exceptions to the standard procurement processes. The record shall contain each contractor's name, the amount and type of each contract, and a listing of the procurement items to which the contract relates.

Utah Code § 63G-6a-2003 (2020)

Contractor Records—

The District or an audit entity under contract with the District may, at reasonable times and places, audit the books and records of a contractor or subcontractor which are related to the applicable contract or subcontract.

Utah Code § 63G-6a-1206.3 (2016)

Contractors and subcontractors shall maintain all records related to the contract or subcontract. These records shall be maintained by the contractor or subcontractor for at least six years after the final payment or until all audits initiated within the six-year period have been completed, whichever is later.

Utah Code § 63G-6a-1206.3(3), (4) (2016)

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Procurement:
Contractor Oversight

Audits—

The District or an audit entity under contract with the District may, at reasonable times and places, audit the books and records of a contractor or subcontractor which are related to the applicable contract or subcontract.

Utah Code § 63G-6a-1206.3(3), (4) (2016)

Inspections—

Contracts may provide that the District may inspect procurement items at the contractor's or subcontractor's facility and perform tests to determine whether the procurement items conform to solicitation and contract requirements.

Utah Admin. Rules R33-12-703 (May 23, 2022)

Inspections or tests shall be performed so as not to unduly delay the work of the contractor or subcontractor. No inspector may change the specifications or the contract without written authorization of the Procurement Officer or Board of Education or its designee. The presence or absence of an inspector or an inspection shall not relieve the contractor or subcontractor from any requirements of the contract.

When an inspection is made, the contractor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

Utah Admin. Rules R33-12-704 (May 23, 2022)

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Procurement:
Child Nutrition Program Procurement

Compliance with Federal Requirements—

Because the District's Child Nutrition Program expends funds received from federal grants, procurement for that program must satisfy the standards in 2 CFR Part 200. In order to meet those standards, procurements for the District's Child Nutrition Program should follow the District's general procurement policies with the modifications and additional requirements set forth in this policy.

Utah Admin. Rules R277-113-10(1)(t) (November 8, 2021)
Utah Code § 63G-6a-107.2(2)(b) (2020)
2 CFR § 200.317
2 CFR § 200.318(a)

Efficiency—

The District shall conduct procurements so as to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Consideration should also be given to cooperative procurements as provided for under Policy CBH.

2 CFR § 200.318(d), (e)

Permissible Methods of Procurement—

The District may procure using sealed bids as provided for in Policy CBB, requests for proposals as provided for in Policy CBD, and small purchases as provided for in Policy CBE. When procuring through sealed bids, bids must be solicited from an adequate number of qualified sources and the sources must be provided with sufficient time to respond before the opening date. The bids must be opened publicly and at the time and place specified in the solicitation. Any and all bids may be rejected if there is a sound reason for doing so which is documented. When procuring using requests for proposals, proposals must be solicited from an adequate number of qualified offerors and any response to the publicized request must be considered to the maximum extent practical.

If the requirements for sole source procurement or emergency procurement set out in Policy CBF are met, those non-competitive method of procurement may be used. No other non-competitive methods of procurement may be used.

2 CFR § 200.320(a), (b)

Bid Security—

In conducting procurements for contracts supported by Child Nutrition Program funds, the District shall require a bid guarantee in the amount of 5% of the bid price, a performance bond for 100% of the contract price, and a payment bond

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for 100% of the contract price. The form and nature of the security required shall be consistent with the security requirements set out in Policy CBA.

2 CFR § 200.326

Cost Analysis—

For any Child Nutrition Program procurement action (including contract modification) which is anticipated to exceed $250,000, the District must provide a cost or price analysis. The specific method and degree of analysis depends on the particular circumstances, but at a minimum the District will make independent estimates regarding cost or price before receiving bids or proposals.

2 CFR § 200.324(a)

Contract Terms—

For any procurement which is made without price competition, and for any procurement which requires a cost analysis (as provided above), the District must negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. Costs or prices based on estimated costs for contracts using Child Nutrition Program funds are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the District under 2 CFR Part 200, Subpart E. The District may reference its own cost principles that comply with the Federal cost principles.

2 CFR § 200.324(b), (c)

Notwithstanding Policy CBG, a contract supported by Child Nutrition Program funds may not use the cost plus percentage of cost method of contracting under any circumstances.

2 CFR § 200.324(d)

Contracts supported by Child Nutrition Program funds must include the applicable contract provisions required in Appendix II to 2 CFR Part 200.

2 CFR § 200.327

Non-Responsible Contractors—

As provided for under Policy CBA, the District shall not enter into contracts with vendors who are determined to be not responsible. The District shall consider such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. In addition, the District must comply with the restrictions on awards to parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities as provided for in 2 CFR Part 180.

2 CFR § 200.318(h)
2 CFR § 200.214

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Prequalifying Vendors—

Procurements may be made using the processes set out in Policy CBDA and Policy CBDB, but in using those processes the District must ensure that lists are current and include enough qualified sources to ensure maximum open and free competition. In addition, vendors must be permitted to qualify during the solicitation period.

2 CFR § 200.319(e)

Preferences—

The preferences for Utah products and Utah contractors set out in Policy CBA cannot be applied to procurements using Child Nutrition Program funds. However, procurements using such funds must give preference to goods, products, or materials produced in the United States over those produced in other countries.

2 CFR § 200.319(c)
2 CFR § 200.322

Small/Minority Businesses, Women's Business Enterprises, Labor Surplus Area Firms—

In conducting Child Nutrition Program procurement, the District must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Such affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.

2 CFR § 200.321

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Procurement of Recovered Materials—

Where the purchase price is greater than $10,000 and it is consistent with maintaining a satisfactory level of competition, the District in conducting Child Nutrition Program procurements must procure only items designated in the EPA guidelines in 40 CFR Part 247 that contain the highest percentage of recovered materials practicable.

2 CFR § 200.323

Records—

The District shall retain all books, records and other documents relative to the award of the contract for six (6) years after final payment. Specifically, the District shall maintain, at a minimum, the following documents:

1. The written rationale for the method of procurement;
2. A copy of the original solicitation;
3. The selection of contract type;
4. The bidding and negotiation history and working papers;
5. The basis for contractor selection;
6. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
7. The basis for award cost or price;
8. The terms and conditions of the contract;
9. Any changes to the contract and negotiation history;
10. Billing and payment records;
11. A history of any contractor claims; and
12. A history of any contractor breaches.

2 CFR § 200.318(i)

Standards of Conduct—

In addition to the standards of conduct set forth in Policy CCD, the following applies to procurements supported by Child Nutrition Program funds. No employee, officer or agent of the District shall participate in the selection or in the award or administration of a contract supported by Child Nutrition Program funds if a conflict

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of interest, real or apparent, would be involved. Conflicts of interest exist when one of the following has a financial or other interest in the firm selected for the award:

1. The employee, officer or agent;
2. Any member of the immediate family;
3. His or her partner;
4. An organization which employs or is about to employ one of the above.

Employees, officers or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

Employees who violate this standard of conduct shall be reprimanded or dismissed, as determined to be appropriate, together with any other appropriate legal actions.

2 CFR § 200.318(c)(1)

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Procurement of Construction

Procurement of Construction—

The policies in this subsection, CC, apply to govern procurement of construction by the District. To the extent that the policies in this section differ from the District's other procurement policies, these policies shall govern. The District's remaining procurement policies otherwise govern procurement of construction.

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Procurement of Construction:
School Construction Bidding

Threshold for Application—

The requirements of this policy apply to any project for construction of any school or alteration of any existing school plant where the total estimated accumulated building project cost exceeds $80,000. The District may not itself bid on school construction or alteration projects over the $80,000 threshold except that if no acceptable bids are received in the bidding process it may use its own resources for the project.

If the District determines in accordance with Policy CCF to use a construction manager/general contractor as its method of construction contracting management on projects where the total estimated accumulative cost exceeds $80,000, it shall select the construction manager/general contractor in accordance with the requirements of the Utah Procurement Code.

Utah Code § 53E-3-703(2)(a), (7), (8) (2019)

School Construction Bidding Process—

Notice

The Board of Education shall advertise for bids on the school construction or alteration project at least 10 days before the bid due date. The advertisement shall at a minimum be published at least 10 days before the deadline for bid submission on the District's main website or on a state website that is owned, managed by, or provided under contract with, the Utah Division of Purchasing and General Services.

The advertisement shall state:

1. that proposals for the building project are required to be sealed in accordance with plans and specifications provided by the Board of Education;
2. where and when the proposals will be opened;
3. that the Board of Education reserves the right to reject any and all proposals; and
4. that a person submitting a proposal is required to submit a certified check or bid bond of not less than 5% of the bid in the proposal, to accompany the proposal.

Utah Code § 53E-3-703(2) (2019)
Utah Code § 63G-6a-112(1) (2021)

Opening and Acceptance of Bids and Award of Contract

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The Board of Education shall meet at the time and place specified in the advertisement and publicly open and read all received proposals. If satisfactory bids are received, the Board of Education shall award the contract to the lowest responsible bidder.

Utah Code § 53E-3-703(3) (2019)

Rejection of all bids

If none of the proposals are satisfactory, all shall be rejected and the Board of Education shall again advertise in the manner provided in this policy. If, after advertising a second time no satisfactory bid is received, the Board of Education may proceed under its own direction with the required project.

Utah Code § 53E-3-703(3) (2019)

Required security

The check or bond required to be submitted with the bid shall be drawn in favor of the Board of Education. If the successful bidder fails or refuses to enter into the contract and furnish the additional bonds required under this section, then the bidder's check or bond is forfeited to the District.

The District shall require payment and performance bonds of the successful bidder as required in Policy CCB.

The District may require in the proposed contract that up to 5% of the contract price be withheld until the project is completed and accepted by the Board of Education. If money is withheld, it will be placed in an interest-bearing account with the interest accruing for the benefit of the contractor and subcontractors. This money shall be paid upon completion of the project and acceptance by the District.

Utah Code § 53E-3-703(4)-(6) (2019)

Prohibition of Board Member Interest in School Construction—

Board members may not have a direct or indirect financial interest in the construction project contract.

Utah Code § 53E-3-703(9) (2019)

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Procurement of Construction:
Construction Bonds and Security

Bid Security Requirements—

Bid security in an amount equal to at least 5% of the amount of the bid shall be required for all competitive bidding for construction contracts estimated to exceed $50,000. The Procurement Official may require an acceptable bid security for construction projects of $50,000 or less. Bid security shall be a bond provided by a surety company authorized to do business in this state, the equivalent in cash, or any other form satisfactory to the District.

When a bidder fails to comply with the requirement for bid security described in the invitation for bids, the bid shall be rejected as nonresponsive.

After the bids are opened, they shall be irrevocable for the period specified in the invitation for bids. If a bidder is permitted to withdraw a bid before award, no action shall be taken against the bidder or the bid security. If the successful bidder fails or refuses to enter into the contract or furnish the additional bonds required, then the bidder's bid security may be forfeited.

When issuing an invitation for a bid, the Procurement Official may not require a person or entity who is bidding for a contract to obtain a bond from a specific insurance or surety company, producer, agent, or broker.

Utah Code § 63G-6a-1102 (2020)
Utah Code § 63G-6a-1103(3) (2020)
Utah Admin. Rules R33-11-201 (January 22, 2021)

Required Bonds—

When a construction contract is awarded by the District in excess of $50,000, the contractor to whom the contract is awarded shall deliver the following bonds or security to the District, which shall become binding on the parties upon the execution of the contract:

- a performance bond satisfactory to the District that is in an amount equal to 100% of the price specified in the contract and is executed by a surety company authorized to do business in this state or any other form satisfactory to the District; and
- a payment bond satisfactory to the District that is in an amount equal to 100% of the price specified in the contract and is executed by a surety company authorized to do business in this state or any other form satisfactory to the District, which is for the protection of each person supplying labor, service, equipment, or material for the performance of the work provided for in the contract.

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The performance bond shall be delivered to the District within fourteen days of the contractor receiving notice of the award of the construction contract. If the contractor fails to deliver the required performance or payment bond, the contractor's bid shall be rejected, its bid security may be enforced, and award of the contract may be made to the next lowest responsive and responsible bidder or next highest ranked offer.

The Procurement Official may not require a contractor to whom a contract is awarded to obtain a performance or payment bond from a specific insurance or surety company, producer, agent, or broker.

Utah Code § 63G-6a-1103 (2020)
Utah Admin. Rules R33-11-201 (January 22, 2021)
Utah Admin. Rules R33-11-303 (January 22, 2021)

Form of Bonds—

The form of the bonds required by this policy shall be established by rule made by the Procurement Policy Board. Any person may obtain from the District a certified copy of a bond upon payment of the cost of reproduction of the bond and postage, if any.

Utah Code § 63G-6a-1105 (2020)

Waiver of Bonding Requirement—

The Procurement Official may waive any bonding requirement if it determines in writing that:

1. bonds cannot reasonably be obtained for the work involved;
2. the cost of the bond exceeds the risk to the District; or
3. bonds are not necessary to protect the District's interests.

If the District fails to obtain a payment bond it may become liable for unpaid amounts as provided by Utah Code § 14-1-19.

Utah Admin. Rules R33-11-303 (January 22, 2021)

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Procurement of Construction:
Limitation on Change Orders

Limitation on Change Orders—

A "change order" is a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual agreement of the parties to the contract.

Under a construction contract, a change order that increases the contract amount may not be made without prior written certification that the change order is within the determined project or contract budget by either the Business Administrator or another administrator who is responsible for monitoring and reporting upon the status of the costs of the total project or contract budget.

A change order which will result in an increase in the total project or contract budget may not be made, unless either:

1. sufficient funds are added to the project contract or budget, or
2. the scope of the project or contract is adjusted to permit the degree of completion feasible within the total project or contract budget as it existed before the change order under consideration.

Utah Code § 63G-6a-103(8) (2022)
Utah Code § 63G-6a-1207 (2012)

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Procurement of Construction:
Drug and Alcohol Testing for Construction Projects

Definitions—

The following definitions apply in this policy:

- "Contractor" means a person who is or may be awarded a District construction contract.
- "Covered individual" means an individual who:
  - on behalf of a contractor or subcontractor provides services directly related to design or construction under a District construction contract, and
  - is in a safety sensitive position, including a design position that has responsibilities that directly affect the safety of an improvement to real property that is the subject of a District construction contract.
- "Drug and alcohol testing policy" means a policy under which a contractor or subcontractor tests a covered individual to establish, maintain, or enforce the prohibition of:
  - the manufacture, distribution, dispensing, possession, or use of drugs or alcohol, except the medically prescribed possession and use of a drug, or
  - the impairment of judgment or physical abilities due to the use of drugs or alcohol.
- "Random testing" means that a covered individual is subject to periodic testing for drugs and alcohol in accordance with a drug and alcohol testing policy and on the basis of a random selection process.
- "District construction contract" means a contract for design or construction entered into by the District.

See Utah Code § 63G-6a-1303 (2020)

District May Require Drug and Alcohol Testing for Construction Contracts—

As set forth in this policy, the District may determine to require contractors on construction contracts to implement drug and alcohol testing by requiring that the contractor demonstrate that the contractor:

1. has and will maintain a drug and alcohol testing policy during the period of the District construction contract that applies to the covered individuals hired by the contractor;
2. posts in one or more conspicuous places notice to covered individuals hired by the contractor that the contractor has the drug and alcohol testing policy;

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3. subjects the covered individuals to random testing under the drug and alcohol testing policy if at any time during the period of the District construction contract there are 10 or more individuals who are covered individuals hired by the contractor; and
4. requires that as a condition of contracting with the contractor, a subcontractor meets these same requirements.

In determining whether to include a drug and alcohol testing requirement in a construction contract, the District may consider any relevant considerations, including whether imposing the requirement would jeopardize the receipt of federal funds, cause the construction contract to be a sole source contract, cause the state construction contract to be an emergency procurement, or impose an undue burden on contractors in light of the size of the project and the composition of the contractors likely to bid on the project. If a testing requirement is imposed and a contractor or subcontractor meets that requirement, this policy does not prevent a contractor or subcontractor from imposing or implementing any other lawful provision as part of a drug and alcohol testing policy. Drug and alcohol testing by contractors and subcontractors shall comply with the requirements of Title 34, Chapter 38 of the Utah Code, which sets out requirements relating to drug and alcohol testing by private employers.

Utah Code § 63G-6a-1303(2), (8) (2020)
Utah Code § 34-38-1 et seq. (2010)

Contractor Failure to Comply with Testing Requirements—

Subject to any rules issued by the Procurement Policy Board, if a contractor or subcontractor fails to comply with a testing requirement imposed under this policy, the contractor or subcontractor may be suspended or debarred in accordance with the Utah Procurement Code and the District's procurement policies. However, in such instance, the contractor or subcontractor shall be provided a process which includes reasonable notice and opportunity to cure a violation of the testing requirement before suspension or debarment in light of the circumstances of the District construction contract or the violation. In addition, a contractor is not subject to penalties for the failure of a subcontractor to comply with a testing requirement.

The failure of a contractor or subcontractor to comply with a testing requirement imposed under this policy may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor or any appeal pursuant to the District's procurement policies. In addition, such failure may not be used by the District, a prospective bidder, an offeror, a contractor, or a subcontractor as a basis for an action that would suspend, disrupt, or terminate the design or construction under a District construction contract.

Utah Code § 63G-6a-1303(3), (5) (2020)

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Limitation of District Responsibility for Testing—

After the District enters into a District construction contract which contains a testing requirement, the District is not required to audit, monitor, or take any other action to ensure compliance with such requirement. In addition, the District is not liable in any action related to this policy, including not being liable in relation to:

- a contractor or subcontractor having or not having a drug and alcohol testing policy;
- failure to test for a drug or alcohol under a contractor's or subcontractor's drug and alcohol testing policy;
- the requirements of a contractor's or subcontractor's drug and alcohol testing policy;
- a contractor's or subcontractor's implementation of a drug and alcohol testing policy, including procedures for collection of a sample, testing of a sample, evaluation of a test, or disciplinary or rehabilitative action on the basis of a test result;
- an individual being under the influence of drugs or alcohol; or
- an individual under the influence of drugs or alcohol harming another person or causing property damage.

Utah Code § 63G-6a-1303(6) (20)

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Procurement of Construction:
Construction Management Methods

Selection of Construction Management Methods—

The Procurement Official may select the appropriate method of construction contracting management for a particular District construction project. The Procurement Official shall include in the contract file a written statement describing the facts which led to the selection of a particular method of construction contracting management for a particular project.

Utah Admin. Rules R33-13-204 (January 22, 2021)

Before choosing a construction contracting management method, the Procurement Official shall carefully assess the project requirements and at a minimum shall consider the following factors:

- when the project must be ready to be occupied;
- the type of project (for example, school facilities, offices, support facilities);
- the extent to which the requirements of the District and the way they are to be met are known;
- the location of the project;
- the size, scope, complexity, and economics of the project;
- the amount, type, and source of funding and any resulting constraints necessitated by the funding source;
- the availability, qualification, and experience of District personnel to be assigned to the project and the amount of time that the District personnel can devote to the project;
- the availability, qualifications, and experience of outside consultants and contractors to complete the project under the various methods being considered;
- the results achieved on similar past projects and the methods used on those projects; and
- the comparative advantages and disadvantages of the construction contracting method and how methods might be adapted or combined to fulfill the District's needs.

Utah Code § 63G-6a-1302(2), (3) (2022)
Utah Admin. Rules R33-13-203(3) (January 22, 2021)

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Common Construction Management Methods—

The following descriptions are provided for the more common construction contracting management methods which may be used by the District. The methods described are not mutually exclusive and may be combined on a project. These descriptions are not intended to be fixed in respect to construction projects. In each project, these descriptions may be adapted to fit the circumstances of that project.

1. Single Prime (General) Contractor. The single prime contractor method is typified by one business, acting as a general contractor, contracting with the District to timely complete an entire construction project in accordance with drawings and specifications provided by the District. Generally, the drawings and specifications are prepared by an architectural or engineering firm under contract with the District. Further, while the general contractor may take responsibility for successful completion of the project, much of the work may be performed by specialty contractors with whom the prime contractor has entered into subcontracts.
2. Multiple Prime Contractors. Under the multiple prime contractor method, the District contracts directly with a number of general contractors or specialty contractors to complete portions of the project in accordance with the District's drawings and specifications. The District may have primary responsibility for successful completion of the entire project, or the contracts may provide that one or more of the multiple prime contractors has this responsibility.
3. Design-Build. In a design-build project, an entity, often a team of a general contractor and a designer, contract directly with the District to meet the District's requirements as described in a set of performance specifications and/or a program. Design responsibility and construction responsibility both rest with the design-build contractor. This method can include instances where the design-build contractor supplies the site as part of the package.
4. Construction Manager Not at Risk. A construction manager is a person experienced in construction that has the ability to evaluate and to implement drawings and specifications as they affect time, cost, and quality of construction and the ability to coordinate the construction of the project, including the administration of change orders as well as other responsibilities as described in the contract.
5. Construction Manager or General Contractor (Construction Manager at Risk). The District may contract with the construction manager early in a project to assist in the development of a cost-effective design. In a Construction Manager/General Contractor (CM/GC) method, the CM/GC becomes the general contractor and is at risk for the responsibilities of a general contractor for the project, including meeting the specifications, complying with applicable laws, rules and regulations, that the project will be completed on time and will not exceed a specified maximum price.

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Utah Admin. Rules R33-13-203(5) (January 22, 2021)

Construction Manager / General Contractor—

Subject to this policy, the District may use a construction manager or general contractor as one method of construction contracting management. The construction manager or general contractor shall be selected using a standard procurement process or a valid exception to a standard process. In addition, when entering into a subcontract that was not specifically included in the construction manager or general contractor's cost proposal, the construction manager or general contractor shall procure the subcontractor by using a standard procurement process or a valid exception to a standard process in the same manner as if the subcontract work was procured directly by the District. A construction manager or general contractor contract may include provision by the contractor of operations, maintenance, or financing.

Utah Code § 63G-6a-1302(4), (5), (8) (2022)
Utah Admin. Rules R33-13-205(1), (2) (January 22, 2021)

Design-Build Contract—

Subject to this policy, the District may use a design-build provider as one method of construction contracting management. A design-build contract may include a provision for obtaining the site for the construction project. A design-build contract may include provision by the contractor of operations, maintenance, or financing.

Utah Code § 63G-6a-1302(6), (7) (2022)

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Procurement of Construction:
Procurement of Design Professional Services

General Policy—

The District shall publicly announce all requirements for design professional services through a request for statement of qualifications and shall negotiate contracts for such services on the basis of demonstrated competence and qualification for the type of services required and at fair and reasonable prices. Such services shall be procured as provided in this policy except as otherwise provided in Policy CBDA regarding vendor qualification, Policy CBE regarding small purchase procurement, and Policy CBF regarding sole source and emergency procurement. This policy does not apply to the hiring of an architect or engineer as an employee of the District.

Utah Code § 63G-6a-1502 (2020)

Request for Statement of Qualifications—

In procuring design professional services, the Procurement Official shall issue a request for statement of qualifications and encourage design professionals engaged in the lawful practice of that profession to submit a statement of qualifications.

Utah Code § 63G-6a-1502 (2020)
Utah Code § 63G-6a-1503(1) (2015)

The request for statement of qualifications shall state the type of procurement item to which the request relates, the scope of the work to be performed, the instructions and the deadline for responding to the request, and the criteria to be used to evaluate statements of qualifications.

Utah Admin. Rules R33-15-301(2) (January 22, 2021)

The District may establish criteria in a request for statement of qualifications by which the qualifications of a design professional, as set forth in a statement of qualifications, will be evaluated, including:

1. basic information about the design professional;
2. the design professional's work history and experience;
3. qualifications, licenses and certifications;
4. management and staff;
5. applicable performance ratings earned by the design professional or references for similar work;
6. any quality assurance or quality control plan;
7. the quality of the design professional's past work product;

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8. the time, manner of delivery, and schedule of delivery of the design professional services;
9. the design professional's financial solvency or financial statements;
10. any management plan for the project, including key personnel and sub-consultants for the project; and
11. other project specific criteria that the District establishes.

A request for statement of qualifications may not include a request for a price or a cost component for the design professional services.

Utah Code § 63G-6a-1502.5 (2015)
Utah Admin. Rules R33-15-301(2)(a)(iv) (January 22, 2021)

Selection Committee—

The District shall establish an evaluation committee for design professional services procurements. The evaluation committee shall consist of at least three members, at least one of which is well-qualified in the profession of architecture or engineering. The District shall ensure that committee members:

1. do not have any conflict of interest with any of the design professionals under consideration;
2. can fairly evaluate each statement of qualifications;
3. do not contact or communicate with any of the design professionals under consideration about the request for qualifications outside of the official evaluation process (from the issuance of the request until the selection is made), and
4. conduct the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.

Utah Code § 63G-6a-1503(3) (2015)
Utah Admin. Rules R33-15-201 (January 22, 2021)

The evaluation committee shall

1. evaluate current statements of qualifications and performance data on file with the District, together with those that may be submitted by other design professionals in response to the announcement of a proposed contract;
2. consider no fewer than three design professionals; and
3. based upon criteria established and published by the District, select no less than three of the design professionals considered to be the most highly qualified to provide the services required.

Utah Code § 63G-6a-1503(4) (2015)

Evaluation process

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The evaluation committee shall evaluate and score each responsive statement of qualifications that has not been eliminated from consideration using the criteria described in the request for statement of qualifications. Criteria not described in the request for statement of qualifications may not be used to evaluate a statement of qualifications.

An evaluation committee may enter into discussions or conduct interviews with, or attend presentations by, the design professionals whose statements of qualifications are under consideration.

The evaluation committee shall rank the top three highest scoring design professionals, in order of their scores, for the purpose of entering into fee negotiations as provided below.

If fewer than three responsible design professionals submit statements of qualifications that are determined to be responsive but the District determines that it is in the best interest of the District to continue the fee negotiation and the contracting process with less than three design professionals, the Procurement Official shall issue a written determination explaining the basis for this determination.

The deliberations of an evaluation committee may be held in private; however, if the evaluation committee is a public body under the Utah Open and Public Meetings Act, the evaluation committee shall comply with the Act in closing a meeting for its deliberations.

Utah Code § 63G-6a-1503.5 (2020)

Restriction regarding public entities

If the District issues a request for statement of qualifications to procure design professional services and provides public notice of the request, a public entity inside or outside of Utah may not submit a statement of qualifications and the District may not award the contract to perform the design professional services to a public entity. This restriction does not apply to contracts for design professional services related to research activities or technology transfer.

Utah Code § 63G-6a-1506 (2020)

Determination of Compensation—

The Procurement Official shall award a contract to the qualified design professional whose statement of qualifications was awarded the highest score by the evaluation committee at compensation that the Procurement Official determines, in writing, to be fair and reasonable to the District. In making that determination, the Procurement Official shall take into account the estimated value, scope, and professional nature of the services and the complexity of the project or services.

If the Procurement Official is unable to agree to a satisfactory contract with the highest scoring design professional, at a price the Procurement Official determines to be fair and reasonable to the District, the Procurement Official shall formally terminate discussions with that design professional and undertake

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discussions with the second highest scoring, qualified design professional. If the Procurement Official is unable to agree to a satisfactory contract with the second highest scoring design professional, at a price the Procurement Official determines to be fair and reasonable to the District, the Procurement Official shall formally terminate discussions with that design professional and undertake discussions with the third highest scoring, qualified design professional. If the Procurement Official is unable to award a contract at a fair and reasonable price to any of the highest scoring design professionals, the Procurement Official shall select additional design professionals and continue discussions in accordance with this section until an agreement is reached.

Utah Code § 63G-6a-1505 (2015)

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Procurement of Construction:
Construction and School-Site Acquisition Requirements

School-Site Acquisition Requirements—

1. Prior to the acquisition of a school site, the District shall notify the following of its intent to acquire the site: (1) an affected local entity, (2) the Utah Department of Transportation, and (3) an electrical corporation, gas corporation, or telephone corporation (as defined in Utah Code § 54-2-1) that provides service or maintains infrastructure within the immediate area of the proposed site.
2. As soon as possible after this notice is given, representatives of the District, the affected local government entity, and the Department of Transportation shall meet to:
    a. discuss information provided by the District as available regarding:
        i. potential community impacts;
        ii. approximate lot sizes;
        iii. approximate building size and use;
        iv. estimated student enrollment;
        v. proposals for ingress and egress, parking, and fire lane location; and
        vi. building footprint and location.
    b. discuss concerns that each may have, including potential community impacts and site safety;
    c. assess the availability of infrastructure for the site; and
    d. discuss any fees that might be charged by the local governmental entity in connection with a building project.
3. The local government entity may not, without the District's consent, disclose information provided by the District relating to a proposed school site acquisition prior to the District making a formal application to the local government entity relating to school construction.

    Utah Code § 53E-3-710(1), (4) (2018)

School Site Requirements—

In selecting a school site, the District shall coordinate with the local health department regarding environmental health and safety issues to avoid unreasonable risks to the health and safety of students and staff. The site shall be located to minimize the negative influence of railroads, freeways, highways, heavy traffic roads, industrial areas, airports and aircraft flight patterns, fugitive dust, odors, or other

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areas where auditory problems, malodorous conditions, or safety and health hazards exist.

Utah Admin. Rules R392-200-4 (May 31, 2018)

School Pre-construction Coordination—

After a school site has been acquired, but before school construction begins:

1. Representatives of the District shall coordinate with affected utility providers to ensure that all utilities required by the school construction activities can be provided in a logical and cost-effective manner.
2. Representatives of the District and the local governmental entity shall meet as soon as possible to:
   a. Review a rough proposed site plan for the school;
   b. Review information regarding:
      i. Potential community impacts;
      ii. Approximate lot size;
      iii. Approximate building size and use;
      iv. Estimated student enrollment;
      v. Proposals for ingress and egress, parking, and fire lane location; and
      vi. Building footprint and location;
   c. Negotiate any fees that might be charged by the local governmental entity in connection with the school construction project;
   d. Coordinate to:
      i. ensure that the siting or expansion of a school in the intended location will comply with applicable local general plans and land use laws and will not conflict with entitled land uses;
      ii. ensure that all local government services and utilities required by the school construction activities can be provided in a logical and cost-effective manner;
      iii. avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future roadways; and
      iv. maximize school, student and site safety.
3. The District shall submit the rough proposed site plan to the local governmental entity's design review committee for comments and the committee shall provide comments no later than 30 days after submission.
4. If otherwise permitted under Utah Code § 10-9a-305(3)(b) or Utah Code § 17-27a-305(3)(b), a local governmental entity may require the District to provide

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a traffic study from a qualified independent third party if the local government entity determines that traffic flow, congestion, or other traffic concerns may require the study.

5. The District shall submit to the Utah Department of Transportation a child access routing plan.

Utah Code § 53E-3-710(2), (5) (2018)
Utah Admin. Rules R277-471-6.A (November 10, 2014)

Pre-construction Requirements—

1. Before any school construction project begins, the District shall obtain a construction project number from the State Board of Education and complete and submit construction project identification forms provided by the State Board of Education.
2. All school plans and specifications shall be approved by a certified plans examiner before any school construction project begins.
3. Prior to developing plans and specifications for a new public school, or the expansion of an existing school, the District shall coordinate with local health departments and the State Fire Marshal. The plans and specifications shall satisfy Utah Department of Health requirements relating to siting, building construction, grounds, food service facilities, sanitary facilities, and health and safety facilities.

Utah Admin. Rules R392-200 (May 31, 2018)

4. Prior to developing plans and specifications for a new public school, the District shall coordinate with local jurisdictions to comply with Federal Emergency Management Agency flood plain requirements and restrictions, including applicable mitigation measures.
5. The District shall maintain documentation for audit purposes of coordination, meetings, and agreements.

Utah Code § 10-9a-305(5) (2021)
Utah Code § 17-27a-305(5) (2021)
Utah Admin. Rules R277-471-5.A (November 10, 2014)
Utah Admin. Rules R277-471-6.C, F, G (November 10, 2014)

School District Building Official—

The Board shall appoint a School District Building Official (SDBO) who has direct administrative and operational control of all construction, renovation, and inspection of the District's facilities and shall provide in writing the name of the SDBO to the State Board of Education. The SBDO and other District personnel shall act consistent with the State Board of Education resource manual on school building construction and inspections.

The SDBO shall:

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1. monitor school district building construction to ensure compliance with the applicable provisions of the Code, including all statutes and administrative rules which control the construction, renovation, and inspection of Utah public school buildings;
2. render interpretations of the Code for the District. Such interpretations shall be in conformance with the intent and purpose of the Code;
3. submit inspection summary reports monthly to the State Board of Education;
4. submit inspection summary reports monthly to the appropriate local government entity building official;
5. submit inspection certificates to the State Board of Education and appropriate local government entity building official;
6. maintain all submitted documentation at a designated school district location for auditing or monitoring;
7. identify in the monthly summary reports and provide to the State Board of Education and local government entity building official the total number of inspections with the name, state license number, and disciplines of each inspector performing the building inspections;
8. ensure that each inspector is adequately and appropriately credentialed;
9. sign the final certificate of inspection and verification form, certifying all inspections were completed in compliance with the law and rules and the Resource Manual to safeguard the public health, safety, and general welfare of occupants;
10. send the final inspection certification and inspection verification, and provide all other related project closeout submittals to the State Board of Education and to the appropriate local government entity building official upon completion of the project;
11. if the District uses a District building inspector or an independent building inspector, provide, on a monthly basis during construction, a copy of each inspection certificate and a monthly inspection summary regarding the school building to the State Superintendent and to the appropriate local governmental entity building official where the building is located; and
12. maintain all submitted documentation at a designated District location for auditing or monitoring.

Utah Code § 10-9a-305(6)(c) (2021)
Utah Code § 17-27a-305(6)(c) (2021)
Utah Admin. Rules R277-471-3 (November 10, 2014)
Utah Admin. Rules R277-471-5.D (November 10, 2014)
Utah Admin. Rules R277-471-8.A(1) (November 10, 2014)

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Construction Inspection—

Building inspectors employed by the District must be currently International Code Council commercially certified and licensed in Utah, in the trade specific to the inspection, consistent with Utah law and Resource Manual requirements.

The District may employ one of three methods for school construction inspection:

1. an independent, properly licensed and certified building inspector;
    a. The independent building inspector shall:
        i. not be, or be an employee of, the architect, developer, contractor or any subcontractor on the project, or any management company or other agency hired by the District to perform construction or construction administrative services;
        ii. be approved by the applicable local government entity where the construction occurs; and
        iii. be properly licensed and certified to perform all of the inspections that the inspector is required to perform.
    b. The independent building inspector may be an inspector working outside the municipality, county, or school district in which they are employed.
2. a properly licensed and certified building inspector, employed by the school district and performing school construction inspections within the boundaries of the District; or
3. a properly licensed and certified building inspector approved by the local jurisdiction in which the construction activity occurs. (Inspectors employed by municipalities and counties may perform school construction inspections within the boundaries of the municipality or county where they are employed.)

Utah Code § 10-9a-305(6) (2021)
Utah Code § 17-27a-305(6) (2021)
Utah Admin. Rules R277-471-4 (November 10, 2014)

Permanent Occupancy Certificate—

The means of obtaining a certificate of permanent occupancy varies depending on the type of building inspector used by the District.

District-employed building inspector

If the District used a building inspector employed by the District, the District may issue its own certificate authorizing permanent occupancy of a school building. The SDBO shall sign a certificate of inspection verification form certifying that all inspections were completed in accordance with Utah law and the Resource Manual and the District shall file the form with the building official of the local governmental entity where the building is located and with the State Board of Education.

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Local government entity-employed building inspector

If the District used a building inspector employed by the local governmental entity, the District shall seek a certificate authorizing permanent occupancy from that governmental entity. Upon receipt of the certificate from the local governmental entity, the District shall file a copy of the certificate and a certificate of inspection verification with the State Board of Education.

Independent building inspector

If the District used an independent building inspector, the District shall, upon completion of all required inspections of the school building, file with the State Board of Education a certificate of inspection verification and a request for the issuance of a certificate authorizing permanent occupancy of the school building.

Within 30 days of the District's request to the State Board of Education for a certificate of permanent occupancy, the State Superintendent will either issue the certificate or notify the District of deficiencies in compliance with inspection requirements. The District shall remedy any deficiencies and then notify the State Superintendent that the deficiencies have been remedied. Upon certification of the information provided by the District regarding remediation, the State Superintendent will issue the certificate of permanent occupancy. Upon receipt of the certificate of permanent occupancy, the District shall provide a copy of the certificate to the building official of the local government entity where the building is located.

Upon the District's filing of the certificate of inspection verification and requesting the issuance of a certificate authorizing permanent occupancy of the school building with the State Board of Education, the District shall be entitled to temporary occupancy of the school building for a period up to ninety (90) days, beginning on the date the request is filed, if the District has complied with all minimum requirements to safeguard the public health, safety and general welfare of occupants.

A certificate authorizing permanent occupancy issued by the State Superintendent shall be considered to satisfy any municipal or county requirement(s) for an inspection or a certification of occupancy.

Utah Code § 10-9a-305(6)(a)(iii) (2021)
Utah Code § 17-27a-305(6)(a)(iii) (2021)
Utah Code § 53E-3-706(3)(a) (2022)
Utah Admin. Rules R277-471-8 (November 10, 2014)

Municipality and County Requirements—

A municipality or county may, at its discretion, schedule a time with District officials to:

1. provide a walk-through of school construction at no cost and at a time convenient to the school district or charter school; and
2. provide recommendations based on the walk-through.

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A municipality or county may **not**:

1. require the District to landscape, fence, make aesthetic improvements, use specific construction methods or materials, impose requirements for buildings used only for educational purposes, or place limitations prohibiting the use of temporary classroom facilities on school property. All temporary classroom facilities shall be properly inspected to meet the Code;
2. require the District to participate in the cost of any roadway or sidewalk, or a study of the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated public school or an existing roadway;
3. require the District to pay fees not authorized under 10-9a-305 or 17-27a-305;
4. require inspection of school construction or assess a fee or other charges for inspection, unless the District is unable to provide for inspection by properly licensed and certified inspectors, other than the project architect, contractor or subcontractors;
5. require the District to pay any impact fee for an improvement project unless the impact fee is imposed pursuant to the Impact Fees Act;
6. impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or
7. for a use or structure that is a support facility rather than an educational facility, impose a regulation that is not imposed on similar uses or structures in the same zone, or a regulation that uses the tax exempt status of the District as a criterion for regulating the use or the location of the structure.

Utah Code § 10-9a-305(3), (5) (2021)
Utah Code § 17-27a-305(3), (5) (2021)
Utah Admin. Rules R277-471-6.B (November 10, 2014)

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Procurement Appeals and Oversight

Procurement Oversight and Appeals—

The policies in Subsection CD set forth the procedures for protests relating to procurement decisions, appeals of protest decisions, the authority of the Procurement Officer, and improper actions and violations relating to procurement.

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Procurement Appeals and Oversight:
Procurement Protests and Debarment Proceedings

Definitions—

A "protestor" is a person who files a protest.

A "hearing" is a proceeding in which evidence (which may include oral testimony) or argument relevant to a protest is presented to a protest officer in connection with the protest officer's determination of an issue of fact or law or both.

"Standing" means to have suffered an injury or harm or to be about to suffer imminent injury or harm, if the following are also satisfied:

1. the cause of the injury or harm is:
    a. an infringement of the protestor's own right and not the right of another person who is not a party to the procurement, and
    b. reasonably connected to the District's conduct, and
    c. the sole reason the protestor is not considered, or is no longer considered, for an award of a contract under the procurement that is the subject of the protest, and
2. a decision on the protest in favor of the protestor
    a. is likely to redress the injury or harm and
    b. would give the protestor a reasonable likelihood of being awarded a contract, and
3. the protestor has the legal authority to file the protest on behalf of the actual or prospective bidder or offeror or prospective contractor involved in the procurement that is the subject of the protest

"Constructive knowledge" means knowledge or information that a protestor would have if the protestor had exercised reasonable care or diligence, regardless of whether the protestor actually has the knowledge or information. Such knowledge includes knowledge of:

1. applicable provisions of the Procurement Code, Procurement Policy Board rules, and the District's procurement policies,
2. instructions, criteria, deadlines, and requirements contained in the solicitation or in other documents made available to persons interested in the solicitation or provided in a mandatory pre-solicitation meeting,
3. relevant facts and evidence supporting the protest or leading the protestor to contend that the protestor has been aggrieved in connection with a procurement,

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4. communications or actions, pertaining to the procurement, of all persons within the protestor's organization or under the supervision of the protestor, and
5. any other applicable information discoverable by the exercise of reasonable care or diligence.

Utah Code § 63G-6a-1601.5(1), (2), (4), (5) (2017)

The "Protest Officer" for the District is the Procurement Official, or another employee of the District designated by the Procurement Official, or such other person as is designated by rule of the Procurement Policy Board.

Utah Code § 63G-6a-103(59) (2022)

The "protest appeal record" includes (1) a copy of the Protest Officer's written decision; (2) all documentation and evidence the Protest Officer relied on in reaching the decision; (3) the recording of the hearing (if a hearing was held); (4) a copy of the written protest; and (5) all documentation and other evidence submitted by the protestor.

Utah Code § 63G-6a-1601.5(3) (2017)

Parties Who May Protest—

A protest may be filed with the Protest Officer by a person who has standing and who is aggrieved in connection with a procurement or an award of a contract.

Utah Code § 63G-6a-1602(1) (2017)

Filing Protest—

Timing

In general, a protest must be filed before the opening of bids (if it relates to bidding) or the solicitation deadline (if it relates to another standard procurement process). If the protest relates to a multiple-stage procurement process, then it must be filed before the closing of the stage which is the subject of the protest.

However, these deadlines do not apply if the protestor did not know or have constructive knowledge of the facts giving rise to the protest before the deadline expired. In those cases, the protest must be filed within seven days after the date the person first knew or had constructive knowledge of the facts giving rise to the protest.

If the protest does not relate to a standard procurement process, then the protest must be filed within seven days after the date the person first knew or had constructive knowledge of the facts giving rise to the protest.

The deadlines for filing a protest may not be modified.

A person who fails to timely file a protest under this section may not protest to the Protest Officer a solicitation or award of a contract, or file an action or appeal challenging a solicitation or award of a contract before an appeals panel, a court, or any other forum.

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Utah Code § 63G-6a-1602(2), (3), (7) (2017)

Contents

A person who files a protest under this section shall include in the filing document the protestor's mailing address and email address and a concise statement of the grounds upon which the protest is made. The statement of grounds for the protest must include the relevant facts and evidence leading the protestor to contend that a grievance has occurred, including specifically referencing:

1. An alleged violation of the Utah Procurement Code;
2. An alleged violation of Utah Administrative Rules Title 33 or other applicable rule;
3. A provision of the solicitation allegedly not being followed;
4. A provision of the solicitation which is alleged to be ambiguous, confusing, contradictory, unduly restrictive, erroneous, anticompetitive, or unlawful;
5. An alleged error made by the evaluation committee or the District;
6. An allegation of bias by the evaluation committee or an individual committee member; or
7. A scoring criterion allegedly not being correctly applied or calculated.

Utah Admin. Rules R33-16-101a(2)(a) (January 22, 2021)
Utah Code § 63G-6a-1602(4)(a) (2017)

The "facts" alleged must be specific enough to enable the protest officer to determine, if such facts are proven to be true, whether a legitimate basis for the protest exists.

Utah Admin. Rules R33-16-101a(2)(b) (January 22, 2021)

None of the following qualify as a concise statement of the grounds for a protest:

1. claims made after the opening of bids or closing date of proposals that the specifications, terms and conditions, or other elements of a solicitation are ambiguous, confusing, contradictory, unduly restrictive, erroneous, or anticompetitive;
2. vague or unsubstantiated allegations that do not reference specific facts including, but not limited to, vague or unsubstantiated allegations such as that:
    a. the protestor should have received a higher score or another vendor should have received a lower score;
    b. a service or product provided by a protestor is better than another vendor's service or product;
    c. another vendor cannot provide the procurement item for the price bid or perform the services described in the solicitation;

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d. the electronic procurement system used by the District was slow, not operating properly, was difficult to understand, could not be accessed or did not allow documents to be downloaded, or did not allow a response to be submitted after the submittal deadline expired;

e. the protestor did not receive individual notice of a solicitation or was unaware of the solicitation (where the District has complied with the public notice requirements); or

f. District officials, or the evaluation committee, or any committee member acted in a biased or discriminatory manner against the protestor; or

3. a request for:

a. a detailed explanation of the thinking and scoring of evaluation committee members, beyond the official justification statement;

b. protected information beyond what is provided under the disclosure provisions of the Utah Procurement Code; or

c. other information, documents, or explanations reasonably deemed to be not in compliance with the Utah Code or this Policy by the protest officer.

Utah Admin. Rules R33-16-101a(2)(c) (January 22, 2021)

Dismissal for non-conforming protest

The Protest Officer may dismiss a protest if the concise statement of the grounds for the protest does not comply with the requirements set forth above.

Utah Code § 63G-6a-1603(1) (2020)
Utah Admin. Rules R33-16-101a(4) (January 22, 2021)

Effect of timely protest and continuation despite protest or appeal

The District may not proceed further with the solicitation or with the award of the contract while there is a pending protest and until all administrative and judicial remedies relating to the protest are exhausted (such as appeals to the Procurement Policy Board or further appeal to a court). However, the District may proceed with solicitation or award despite a pending protest or further proceeding if the Procurement Official, after consulting with the District's attorney, determines in writing that award of the contract without delay is in the best interest of the District.

Utah Code § 63G-6a-1903 (2020)

Determination on Protest—

Authority to resolve

A Protest Officer, or the Board of Education, may enter into a settlement agreement to resolve a protest.

Utah Code § 63G-6a-1602(8) (2017)

At any time during the protest process, if it is discovered that a procurement is out of compliance with any part of the Utah Procurement Code or governing

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regulations, including errors or discrepancies, the Procurement Official may take administrative action to correct or amend the procurement to bring it into compliance, correct errors or discrepancies or cancel the procurement.

Utah Code § 63G-6a-106(3) (2021)
Utah Admin. Rules R33-16-401 (January 22, 2021)

Process for determining the protest

After a protest is filed, the Protest Officer shall first determine whether the protest is timely and fully complies with the content requirements set forth above. The Protest Officer shall, without holding a hearing, dismiss any protests which are not timely or which do not fully comply with the content requirements.

If the protest is timely and compliant, then the Protest Officer shall:

- dismiss the protest without holding a hearing if the Protest Officer determines that it alleges facts that, if true, do not provide an adequate basis for the protest; or
- uphold the protest without holding a hearing if the Protest Officer determines that the undisputed facts of the protest indicate that it should be upheld; or
- hold a hearing on the protest, following the procedures below, if there is a genuine issue of material fact or law that needs to be resolved in order to determine whether it should be upheld.

The fact that a Protest Officer holds a hearing, considers a protest, or issues a written decision does not affect a person's right to, at a later date, question or challenge the Protest Officer's jurisdiction to hold the hearing, consider the protest, or render the decision. A Protest Officer's determination of facts relating to a protest is final and conclusive on appeal unless shown to be arbitrary and capricious or clearly erroneous.

Utah Code § 63G-6a-1603(1), (2), (3), (4)(e), (10) (2020)

Protest records

The Protest Officer shall record each protest hearing. Regardless of whether a hearing is held, the Protest Officer shall preserve all records and other evidence relied upon in reaching the written decision. Such records may not be destroyed until the decision, and any appeal of the decision, becomes final. The Protest Officer shall submit the protest appeal record to the Procurement Policy Board within seven days after (a) notice of an appeal of the decision or (b) a request from the chair of the Procurement Policy Board.

Utah Code § 63G-6a-1603(4)(d) (2020)

Hearing process

For purposes of a protest hearing, the Protest Officer may subpoena witnesses and compel their attendance, may subpoena documents for production at the hearing, may obtain additional factual information, and may obtain testimony

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from experts, the person filing the protest, representatives of the District, or others. The Rules of Evidence do not apply to a protest hearing. The deliberations of the Protest Officer may be held in private.

Utah Code § 63G-6a-1603(4), (5)(a) (2020)

Written determination

A Protest Officer shall promptly issue a written decision regarding any protest that is not settled by mutual agreement. The decision shall state the reasons for the action taken, inform the protestor of the right to judicial or administrative review as provided in the District's procurement policies and the Procurement Code, and state the amount of the security deposit or bond required for a further appeal. The person issuing the decision shall mail, email, or otherwise immediately furnish a copy of the decision to the protestor. If the Protest Officer does not issue the written decision regarding a protest within 30 calendar days after the day on which the protest was filed with the Protest Officer, or within a longer period as may be agreed upon by the parties, the protester may proceed as if an adverse decision had been received.

Utah Code § 63G-6a-1603(6), (9) (2020)

Effect of determination

A determination is effective until stayed or reversed on appeal, except as provided above. The determination is final and conclusive unless the protestor files an appeal with the Procurement Policy Board.

Utah Code § 63G-6a-1603(7), (8)(a) (2020)

Finding of a violation before the contract is awarded

If, before award of a contract, it is determined at any level of review that a procurement or proposed award of a contract is in violation of law, the procurement or proposed award shall be cancelled or revised to comply with the law.

Utah Code § 63G-6a-1909 (2012)

Finding of a violation after the contract is awarded

If after award of a contract it is determined at any level of review that a procurement or award of a contract is in violation of law, the following actions shall be taken:

1. if the person awarded the contract did not act fraudulently or in bad faith, then
    a. the contract either may be ratified and affirmed, if it is in the best interests of the District, or may be terminated, and
    b. the person awarded the contract shall be compensated for the actual expenses reasonably incurred under the contract before the termination, plus a reasonable profit.
2. if the person awarded the contract acted fraudulently or in bad faith, then the contract either may be declared null and void or may be ratified and affirmed

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if it is in the best interests of the District, without prejudice to the District's rights to any appropriate damages.

Under no circumstances is a person entitled to consequential damages in relation to a solicitation or award of a contract under the procurement process, including consequential damages for lost profits, loss of business opportunities, or damage to reputation.

Utah Code § 63G-6a-1907 (2014)

Costs to or against protestor

If a protest is sustained at any level of review and the protesting bidder or offeror should have been awarded the contract under the solicitation but is not, the protestor is entitled to the reasonable costs incurred in connection with the solicitation, including bid preparation and appeal costs and any equitable relief determined to be appropriate by the Procurement Policy Board appeals panel or court.

If the final determination of a procurement appeals panel or other appellate body does not sustain the protest, the protestor shall reimburse the District for all expenses incurred in defending the appeal, including personnel costs, attorney fees, other legal costs, the per diem and expenses paid by the District to witnesses or appeals panel members, and any additional expenses incurred by the staff of the District who have provided materials and administrative services to the appeals panel for that case.

The notice of claims provisions of the Utah Governmental Immunity Act (Title 63G, Chapter 7, Part 4, Utah Code) and the undertaking provision of Utah Code § 63G-7-601 do not apply to actions brought under this chapter by an aggrieved party for equitable relief or reasonable costs incurred in preparing or appealing an unsuccessful bid or offer

Utah Code § 63G-6a-1904 (2015)

Debarment or Suspension Proceedings—

A person may be debarred or suspended for the causes set forth in Policy CBA. Before a person may be debarred or suspended, the Procurement Official must consult with the procurement unit involved in the matter for which debarment or suspension is sought (if that unit is not the District), consult with the District's attorney, give notice as set forth below, and hold a hearing as set forth below.

Utah Code § 63G-6a-904(1)(a), (b) (2020)

Notice of Debarment or Suspension—

An individual to be debarred or suspended must be given written notice of the reasons for which debarment or suspension is being considered and of the hearing at which debarment or suspension will be considered. This notice must be given at least 10 days before the date of the hearing.

Utah Code § 63G-6a-904(1)(b)(ii) (2020)

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Hearing on Debarment or Suspension—

Hearing process

The informal hearing shall be conducted by the Procurement Official. For purposes of the hearing, the Procurement Official may subpoena witnesses and compel their attendance, subpoena documents for production, obtain additional factual information, and obtain testimony from experts, the person who is the subject of the proposed debarment or suspension, representatives of the District, or others who may be of assistance in making the determination. The Rules of Evidence do not apply in this informal hearing. The fact that an informal hearing is held on debarment or suspension or that a decision is issued does not prevent a person from later questioning or challenging the authority of the Procurement Official to hold the hearing or issue the decision.

Utah Code § 63G-6a-904(1)(c)(i), (ii), (iv) (2020)

Written decision

The Procurement Official shall promptly issue a written decision regarding any proposed debarment or suspension that is not settled by mutual agreement. If debarment or suspension is ordered, the decision shall state the reasons for that action and inform the person of the right to judicial review as provided in the Procurement Code. The person issuing the decision shall mail, email, or otherwise immediately furnish a copy of the decision to the person subject to the decision.

Utah Code § 63G-6a-904(1)(c)(v), (vi) (2020)

Hearing record

The Procurement Official shall preserve all records and other evidence relied upon in reaching the decision. Such records may not be destroyed until the decision, and any appeal of the decision, becomes final.

Utah Code § 63G-6a-904(1)(c)(iii) (2020)

Effect of Order of Suspension or Debarment—

A decision of debarment or suspension is final unless it is overturned by a court. (*See* Policy CDB.)

Utah Code § 63G-6a-904(1)(c)(vii) (2020)

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Procurement Appeals and Oversight:
Procurement Protests and Debarment Appeals

Appeal of Protest Decision to State Procurement Policy Board—

A party to a protest may appeal the protest decision to the Procurement Policy Board by filing a written notice of appeal with the chair of the Procurement Policy Board including the person's address and email address and a copy of the written decision and by complying with the security requirement discussed below. The appeal must be filed either within seven days after the written decision on the protest is personally served on the party or the party's representative or emailed or mailed to the address or email address provided by the party, or within 30 days of a written request for a final written decision (or any longer period which the parties agreed to), if a final written decision has not been issued in that time period.

No appeal of a protest decision may be filed unless a decision has been issued or the 30-day period (or longer agreed-upon period) has expired without issuance of a written decision.

Utah Code § 63G-6a-1702(2)(a), (4) (2017)

Appeal Limited to Grounds Stated in Protest Document—

A person who files an appeal of a protest decision is limited to appealing on the grounds specified in the protest filing and to the evidence considered by the protest officer.

Utah Code § 63G-6a-1702(3) (2017)

Appeal Security—

A person who files an appeal to that Board must, before the expiration of the time for filing an appeal, pay a security deposit or post a bond with the office of the Protest Officer as provided for below.

1. For an appeal relating to an invitation for bids or request for proposals:
    a. $20,000, if the total contract value is under $500,000;
    b. $25,000, if the total contract value is $500,000 or more but less than $1,000,000;
    c. $50,000, if the total contract value is $1,000,000 or more but less than $2,000,000;
    d. $95,000, if the total contract value is $2,000,000 or more but less than $4,000,000;
    e. $180,000, if the total contract value is $4,000,000 or more but less than $8,000,000;

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   f. $320,000, if the total contract value is $8,000,000 or more but less than $16,000,000;
   g. $600,000, if the total contract value is $16,000,000 or more but less than $32,000,000;
   h. $1,100,000, if the total contract value is $32,000,000 or more but less than $64,000,000;
   i. $1,900,000, if the total contract value is $64,000,000 or more but less than $128,000,000;
   j. $3,500,000, if the total contract value is $128,000,000 or more but less than $256,000,000;
   k. $6,400,000, if the total contract value is $256,000,000 or more but less than $512,000,000; and
   l. $10,200,000, if the total contract value is $512,000,000 or more; or
2. $20,000, for an appeal:
   a. relating to any type of procurement process other than an invitation for bids or request for proposals;
   b. relating to an invitation for bids or request for proposals, if the estimated total contract value cannot be determined; or
   c. of a debarment or suspension.

For an appeal relating to an invitation for bids, the estimated total contract value shall be based on:

1. the lowest responsive bid amount for the entire term of the contract, excluding any renewal period, if the bid opening has occurred;
2. the total budget for the procurement item for the entire term of the contract, excluding any renewal period, if bids are based on unit or rate pricing; or
3. if the contract is being rebid, the historical usage and amount spent on the contract over the life of the contract.

For an appeal relating to a request for proposals, the estimated total contract value shall be based on:

1. the lowest cost proposed in a response to a request for proposals, considering the entire term of the contract, excluding any renewal period, if the opening of proposals has occurred;
2. the total budget for the procurement item over the entire term of the contract, excluding any renewal period, if opened cost proposals are based on unit or rate pricing; or
3. if the contract is being reissued, the historical usage and amount spent on the contract over the life of the contract that is being reissued.

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The Protest Officer shall retain the security deposit or bond until the appeal process is completed. The Protest Officer shall deposit a security deposit into an interest-bearing account and if the deposit is not forfeited return the deposit and the accrued interest to the person. The Protest Officer shall return the bond to the individual if it is not forfeited. A security deposit or bond is forfeited to the District's general fund if the person providing it fails to ultimately prevail on appeal and the procurement appeals panel finds that the protest or appeal is frivolous or that its primary purpose is to harass or cause a delay.

Utah Code § 63G-6a-1703 (2017)

Appeal to Utah Court of Appeals—

Either the District or a person who receives an adverse decision from a procurement appeals panel may appeal the decision to the Utah Court of Appeals within seven days after the decision is issued. However, the District may not appeal the decision of the procurement appeals panel unless the appeal is recommended by the District Protest Officer involved.

Utah Code § 63G-6a-1802 (2017)

Judicial Review of Debarment or Suspension—

A person debarred or suspended may seek judicial review of that decision by filing a petition in district court. This petition must name the District as the respondent and be accompanied by a copy of the written decision of suspension or disbarment. This petition must be filed within 30 days of issuance of the written decision or it is barred.

Utah Code 63G-6a-904(4) (2020)

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Procurement Appeals and Oversight:
Procurement Violations and Offenses

Definitions—

These terms, used in this policy, are defined as follows:

1. "Contract administration professional" means an individual who is either directly under contract with the District or is employed by a person under contract with the District and who has responsibility in developing a solicitation or grant or in supervising or overseeing the administration or management of a contract or grant. This term does not include an employee of the District.
2. "Contribution" includes the following as applied to the District:
   a. a voluntary gift or donation to the District for the District's use, and not for a particular person employed by the District, including a philanthropic donation, services, money, or other items of value;
   b. admission to a seminar, vendor fair, charitable event, fundraising event, or similar event that relates to the function of the District;
   c. purchase of a booth at an event sponsored by the District or a group of which the District is a member; or
   d. sponsorship of an event that is organized by the District.
3. "Gratuity" means anything of value given without anything provided in exchange or in excess of the market value of that which is provided in exchange, including:
   a. a gift or favor;
   b. money;
   c. a loan at an interest rate below the market rate or with terms that are more advantageous to the borrower than terms offered generally on the market;
   d. anything of value provided with an award other than a certificate, plaque, or trophy;
   e. employment;
   f. admission to an event;
   g. a meal;
   h. lodging;
   i. travel;
   j. entertainment for which a charge is normally made; and

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k. a raffle, drawing for a prize, or lottery.

The term "gratuity" does not include:

a. an item, including a meal in association with a training seminar, that is:
   i. included in a contract or grant; or
   ii. provided in the proper performance of a requirement of a contract or grant;
b. an item requested to evaluate properly the award of a contract or grant;
c. a rebate, coupon, discount, airline travel award, dividend, or other offering included in the price of a procurement item;
d. a meal provided by an organization or association, including a professional or educational association, an association of vendors, or an association composed of public agencies or public entities, that does not, as an organization or association, respond to solicitations;
e. a product sample submitted to a public entity to assist the public entity to evaluate a solicitation;
f. a political campaign contribution;
g. an item generally available to the public; or
h. anything of value that one public agency provides to another public agency.

4. "Family member" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
5. "Hospitality gift" means a token gift of minimal value, including, a pen, pencil, stationery, toy, pin, trinket, snack, beverage, or appetizer, given for promotional or hospitality purposes. It does not include money, a meal, admission to an event for which a charge is normally made, entertainment for which a charge is normally made, travel, or lodging.
6. "Kickback" means a negotiated bribe provided in connection with a procurement or the administration of a contract or grant. It does not include anything which is listed in the exclusions from the definition of "gratuity," above.
7. "Procurement" has the meaning set out in the scope section of Policy CB except that for purposes of this policy it also includes the awarding of a grant.
8. "Procurement professional" means an employee of the District (not an independent contractor) who by title or primary responsibility:
   a. has procurement decision making authority; and
   b. is assigned to be engaged in, or is engaged in either:

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i. the procurement process or

ii. the process of administering a contract or grant, including enforcing contract or grant compliance, approving contract or grant payments, or approving contract or grant change orders or amendments.

9. The term "procurement professional," as it applies to the District, does not include:

   a. members of the Board of Education

   b. the superintendent, business administrator, a principal, a vice principal, or the chief assistant or deputy of the superintendent, business administrator, or of a principal or vice principal; or

   c. any other individual who, by title or primary responsibility, does not have procurement decision making authority.

10. "Public agency" means the following entities and all officials, employees, and official representatives of the following entities:

    a. a city, town, county, school district, local district, special service district, or other political subdivision of the state of Utah;

    b. the state of Utah or any department, division, or agency of the state of Utah;

    c. any agency of the United States;

    d. any political subdivision or agency of another state or the District of Columbia, including any interlocal cooperation or joint powers agency formed under the authority of the laws of another state or the District of Columbia; and

    e. any Indian tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

    Utah Code § 63G-6a-2402 (2017)

Unlawful Conduct and Exceptions—

It is unlawful and a violation of this policy:

1. for a person who has or is seeking a contract with the District knowingly to give, or to offer, promise, or pledge to give, a gratuity or kickback to

   a. the District;

   b. a procurement professional or contract administration professional; or

   c. an individual who the person knows is a family member of a procurement professional or contract administration professional.

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2. for a procurement professional or contract administration professional, or a family member of either, knowingly to receive or accept, offer or agree to receive or accept, or ask for a promise or pledge of a gratuity or kickback from a person who has or is seeking a contract or grant from the District.

It is not unlawful for the District to give, offer, promise, or pledge to give a contribution to another public agency.

It is not unlawful or a violation of this policy for a person:

1. to give or offer, promise, or pledge to give a contribution to the District unless that is done with the intent to induce the District in exchange to (a) award a contract, (b) make a procurement decision, or (c) take an action relating to the administration of a contract or grant.
2. to give or offer, promise, or pledge to give something of value to an organization to which a procurement professional or contract administration professional belongs unless that is done with the intent to induce the District in exchange to (a) award a contract, (b) make a procurement decision, or (c) take an action relating to the administration of a contract or grant.
3. on behalf of the District, to receive or accept, offer or agree to receive or accept, or ask for a promise or pledge of a contribution unless done with the intent that the District in exchange (a) award a contract or grant, (b) make a procurement decision, or (c) take an action relating to the administration of a contract or grant.

It is not unlawful or a violation of this policy for a person to give or receive, offer to give or receive, or promise or pledge to give or ask for a promise or pledge of a hospitality gift if:

1. the total value of the hospitality gift is less than $10; and
2. the aggregate value of all hospitality gifts from the person to the recipient in a calendar year is less than $50.

Utah Code § 63G-6a-2404 (2014)

Voiding a Contract or Grant for Unlawful Conduct—

This section applies to procurements (a) for which public notice is provided on or after July 1, 2014, if public notice is required, or (b) where public notice is not required, the initial contact between the District and the potential contractor for purposes of the procurement occurs on or after July 1, 2014.

When a contract or grant has been awarded to a person who engages in conduct made unlawful by this policy or by Part 24 of the Procurement Code, “Unlawful Conduct and Penalties,” the Board of Education or the superintendent may, in their sole discretion, declare the contract or grant to be void and unenforceable except where (a) the contract or grant relates to the issuance of a bond or other obligation and the bond has been issued or obligation incurred; or (b)

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a third party has substantially changed its position in reliance upon the contract or grant.

Declaring a contract or grant void under this section does not affect the District's obligation to pay for a contractor's proper performance completed under the contract or grant or to pay for the value the contractor provides to the District under the contract or grant before the contract or grant is declared void.

Utah Code § 63G-6a-2405 (2014)

Prohibited Socialization by Procurement Professionals—

A procurement professional shall not:

1. participate in social activities with vendors or contractors that will interfere with the proper performance of the procurement professional's duties;
2. participate in social activities with vendors or contractors that will lead to unreasonably frequent disqualification of the procurement professional from the procurement process; or
3. participate in social activities with vendors or contractors that would appear to a reasonable person to undermine the procurement professional's independence, integrity, or impartiality.

Utah Admin. Rules R33-24-104(1) (May 23, 2022)

Evaluation Committee Conflicts of Interest—

Nothing in this policy limits the District in requiring evaluation committee members to disclose conflicts of interests or in removing evaluation committee members for conflicts of interest.

Utah Code § 63G-6a-2406 (2014)

Required Reports of Unlawful Conduct—

"Unlawful conduct" means:

1. conduct made unlawful by this policy or Part 24 of the Procurement Code, "Unlawful Conduct and Penalties or
2. conduct, including bid rigging, improperly steering a contract to a favored vendor, exercising undue influence on an individual involved in the procurement process, or participating in collusion or other anticompetitive practices, made unlawful under other applicable law.

A procurement professional with actual knowledge that a person has engaged in unlawful conduct shall report the unlawful conduct to the state auditor, the attorney general, or other appropriate prosecuting attorney. A procurement professional who fails to comply with this reporting requirement is subject to disciplinary action by the District. Persons other than procurement professionals with actual knowledge of unlawful conduct may report the unlawful conduct to the state auditor, the attorney general, or other appropriate prosecuting attorney.

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Utah Code § 63G-6a-2407 (2017)

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School Safety Plan

Purpose of Policy—

Pursuant to § 53G-4-402, and in the interest of welfare of students and employees of the District, the Board deems it advisable to direct schools in the District to adopt a school safety plan in accordance with this policy.

Responsible Personnel—

The Principal of each school is responsible to ensure that the school safety plan is distributed to every employee in that Principal's school and to provide in-service training for all personnel and students on an annual basis and is set forth in the Emergency Preparedness Plan. In addition, the Principal of each school shall appoint a designee to coordinate emergency response to the school with local law enforcement and other public safety representatives.

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School Safety Plan:
Video and Audio Surveillance

District security—

Video and/or audio recording devices may be used to monitor the health, safety, and welfare of all students, staff, and visitors to district property and to safeguard district facilities. Such recordings may be stored as evidence of unsafe, disruptive, and/or illegal behavior and may become part of a student record, a personnel file, and/or a legal proceeding. The superintendent or his/her designee shall ensure the secure storage of these records against tampering and according to the district's record retention schedule.

Notification—

The district administration shall notify staff and students through student/parent and personnel handbooks that video/audio surveillance **may** occur on district property. The district **may** also provide notification through the posting of such notice at the main entrances of all district buildings and property, and on all buses in which video/audio surveillance may occur.

Access to recordings—

Surveillance recordings will be released to the public only in conformance with applicable GRAMA provisions. In addition, the content of the surveillance recordings used as evidence in or investigation of specific student matters constitute student records which are confidential and protected under FERPA. When a surveillance recording kept in a student matter shows multiple students, then whether those students or their representatives may access the recording shall be determined on a case-by-case basis. The content of surveillance recordings used as evidence or in investigation of specific personnel matters are private records under GRAMA.

Staff and students are prohibited from tampering or otherwise interfering with the surveillance equipment and records. District administrative staff may review surveillance recordings to verify the occurrence of disruptive, unsafe, and/or illegal behavior. Parents or legal guardians shall only be allowed to view material that concerns their child in relationship to an alleged incident. Requests to inspect video/audio surveillance recordings must be made in writing.

The District Transportation Supervisor, Building Administrator, and/or the Superintendent's designee shall review all recordings that may be created from surveillance equipment on district vehicles.

If the record becomes the subject of a disciplinary proceeding, it shall be treated like all other evidence in the hearing as confidential and protected. Viewing of such records shall only be permitted at school-related sites including the

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transportation office, school buildings, or district office. All viewing will include the building principal or his/her designee.

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District Emergency Response Plan

Adoption of Plan—

Pursuant to Utah Code § 53G-4-402(18), the Board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in the schools, on school grounds, on school vehicles, and in connection with school-related activities and events. Existing plans shall be modified as needed to conform to the requirements of rules issued by the State Board of Education. Plans shall be reviewed at least once every three years and updated as needed.

Utah Code § 53G-4-402(18)(a) (2021)
Utah Admin. Rules R277-400-3(4) (January 22, 2020)

Emergency Response Plan Committee—

The Board of Education shall appoint a committee to assist with development or revision or review of emergency response plans. The committee shall consist of appropriate school and community representatives and may include administrators, teachers, parents, officers of other governmental entities (municipalities, counties, or others), and fire and law enforcement personnel. The committee shall include representatives of governmental agencies and bodies vested with responsibility for directing and coordinating emergency services on local and state levels.

Utah Admin. Rules R277-400-3(3) (January 22, 2020)

Contents of Plan—

The District Comprehensive Emergency Response Plan shall

1. include prevention, intervention, and response components;
2. be consistent with the student conduct and discipline policies required for school districts by statute;
3. require professional learning for all district and school building staff on what their roles are in the emergency response plan;
4. provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the schools, on school grounds, on school vehicles, and in connection with school-related activities and events;
5. include a process to timely notify staff of a crisis;
6. include a student and parent notification policy that uses safe messaging;
7. identify one or more SafeUT liaisons to provide information from SafeUT to relevant stakeholders, communicate with SafeUT concerning updates and feedback, and attend the annual SafeUT training provided by the State Superintendent;

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8. include procedures to notify a student, to the extent practicable, who is off-campus at the time of a school violence emergency because the student is either participating in a school-related activity or excused from school for released-time religious instruction;
9. include, to the extent practicable, standards and protections for participants and attendees at school-related activities, including those off school property;
10. include measures to assure that during an emergency students receive reasonably adequate educational services and supervision during school hours during an emergency and for education services in an extended emergency situation;
11. include evacuation procedures to assure reasonable care and supervision of students until the student is released to a responsible party or as is permitted under State Board of Education regulation;
12. address access to school buildings by specific groups, including students, community members, lessees, invitees, and others;
13. require individual schools to establish a parent and student reunification plan;
14. include measures to assure that students receive emergency preparedness training, including age-appropriate training regarding rescue techniques, first aid, safety measures appropriate to specific emergencies, and other emergency skills;
15. establish a multidisciplinary team to identify interventions for students who may be highly impacted by a crisis;
16. identify and keep a record of crisis response professionals who may assist in crisis response and resources and community partnerships for follow-up or intensive care after a crisis;
17. identify resources and materials available for emergency training;
18. contain procedures for assessing and providing school facilities, equipment, and personnel to meet public emergency needs; and
19. provide procedures for recording District funds spent for emergencies (including funds spent for assessing and repairing damages) and for seeking reimbursement for such expenditures.

Utah Code § 53G-4-402(18)(b) (2021)
Utah Admin. Rules R277-400-4(4), -5, -6(1), -6(10), -10(2)(b), -11(1) (January 22, 2020)

Formulation and Review of Plan—

In creating the comprehensive emergency resource plan, the Board shall consider and make use of resources provided by the Utah State Board of Education, including the plan models and other resources prepared by the State Board as provided for in Utah Code § 53G-4-402(18)(c), recommendations provided by the

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emergency response plan committee, and may consider such other resources it finds helpful.

Utah Code § 53G-4-402(18)(c) (2021)

The Board may direct individual schools to develop and implement school-specific emergency response plans to supplement the District's plan according to the needs and features of the school.

Utah Admin. Rules R277-400-3(2) (January 22, 2020)

In cooperation with the appropriate local law enforcement agencies, the District shall establish a parent and student reunification plan for each school in the District. Such plan shall provide for reasonable care and supervision of students until the student is released to a responsible party. Schools shall not release students grade 8 or below unless a parent or other responsible person has been notified and assumed responsibility for the student. A school may release a student grade 9 or above without such notification if a school administrator determines that the student is reasonably responsible and that notification is not practicable.

Utah Admin. Rules R277-400-6(10)(a) (January 22, 2020)
Utah Admin. Rules R277-400-5(1)(b) (January 22, 2020)

The District emergency response plan shall be reviewed at least once every three years, with the assistance of the District emergency response plan committee appointed by the Board of Education. As part of the review process, each school shall review existing security measures and procedures within that school and make necessary adjustments as funding permits.

Utah Admin. Rules R277-400-3(4) -7(1)(c) (January 22, 2020)

Public Notice of Plan—

A copy of the District emergency response plan and any school emergency response plans shall be filed in the superintendent's office. At the beginning of each school year, written notice of the pertinent portions of the District plan and any school plan shall be provided to the parents or guardians of students at each school and the staff of each school. Each school shall also designate an Emergency Preparedness/Emergency Response week each year before April 30.

Utah Admin. Rules R277-400-4(1), (2), (3) (January 22, 2020)

As part of the District's registration and enrollment process, parents shall annually be given a summary of parental expectations and notification procedures relating to the parent and student reunification plan for each school where the parent has students enrolled. This information shall also be published on each school's website.

Utah Admin. Rules R277-400-6(10)(b), (c) (January 22, 2020)

Emergency Preparedness Training—

The Board of Education shall, by July 1 of each year, certify to the State Superintendent that the District emergency response plan has been practiced at the

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school level and has been presented to and reviewed by the District's teachers, administrators, students and their parents or guardians, and public safety representatives.

Utah Admin. Rules R277-400-3(1) (January 22, 2020)

The District shall provide annual training to District and school staff on their roles, responsibilities, and priorities in the emergency response plan.

Utah Admin. Rules R277-400-7(1)(a) (January 22, 2020)

Each school shall conduct emergency drills as required by Utah State Board of Education Rules R277-400-6 and R277-400-7(1)(b).

Utah Admin. Rules R277-400-6, -7(1)(b) (January 22, 2020)

Prevention and Intervention—

The District shall provide schools with curriculum materials regarding comprehensive violence prevention and intervention strategies such as resource lessons and materials on anger management, conflict resolution, and respect for diversity and other cultures. In so doing, the District shall make use of materials and resources provided by the State Board of Education. Schools may also provide age-appropriate instruction on firearm safety, including appropriate steps to take if a student sees a firearm or facsimile firearm at school.

To the extent resources permit, the District shall also develop or incorporate care teams, tiered student assistance programs, social-emotional learning, and support through multidisciplinary teams. Multidisciplinary teams, such as care teams, may review school safety related data, conduct threat assessments, consult on case-specific interventions and disciplinary actions, involve parents in the intervention process, and suggest referrals to resources as appropriate. Such teams may include administration personnel, local law enforcement (or a school SRO), a mental health professional, and a general or special education teacher.

In developing student assistance programs, the District may coordinate with the State Superintendent and other state agencies.

Utah Admin. Rules R277-400-8 (January 22, 2020)

School Building Access—

With respect to building access during an emergency by various groups (including students, employees, community members, lessees, invitees, and others), the emergency response plan shall consider identified time periods and shall address possession and use of school building keys by designated administrators and employees. The plan may include restricted access for some individuals.

Utah Admin. Rules R277-400-5(1)(c) (January 22, 2020)

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Cooperation With Other Government Entities—

As appropriate, the Board of Education may enter into cooperative agreements with other governmental entities to establish proper coordination and support during emergencies.

The Board shall cooperate with other governmental entities to provide emergency relief services in times of public need. For statewide emergencies or emergencies involving more than one school district, the State Superintendent is the chief officer to coordinate assistance by the schools. For emergencies within the school district, the Board of Education, through the superintendent, is the chief officer to coordinate assistance by the schools.

Utah Admin. Rules R277-400-10 (January 22, 2020)

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Contracts for School Resource Officer Services

A “school resource officer” or “SRO” is a law enforcement officer who contracts with the District to provide law enforcement services for the District or whose law enforcement agency contracts with the District to provide law enforcement services for the District.

Utah Code § 53G-8-701(2) (2019)

Board Approval—

The District may contract with a law enforcement agency or an individual to provide school resource officer services if the Board of Education first reviews and approves the contract.

Utah Code § 53G-8-703(1) (2019)

Required Contract Provisions—

In order to be approved by the Board of Education, a contract for school resource officer services must include:

1. an acknowledgment that an SRO hired under the contract shall:
   a. provide for and maintain a safe, healthy, and productive learning environment in a school;
   b. act as a positive role model to students;
   c. work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the District;
   d. emphasize the use of restorative approaches to address negative behavior; and
   e. at the request of the District, teach a vocational law enforcement class;
2. a description of the shared understanding of the District and the law enforcement agency or individual regarding the roles and responsibilities of law enforcement and the District to:
   a. maintain safe schools;
   b. improve school climate; and
   c. support educational opportunities for students;
3. a designation of student offenses that the SRO shall confer with the District to resolve, including an offense that:
   a. is a minor violation of the law; and
   b. would not violate the law if the offense was committed by an adult;

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4. a designation of student offenses that are administrative issues that an SRO shall refer to a school administrator for resolution in accordance with Utah Code § 53G-8-211;
5. a detailed description of the rights of a student under state and federal law with regard to:
   a. searches;
   b. questioning; and
   c. information privacy;
6. a detailed description of:
   a. job duties;
   b. training requirements; and
   c. other expectations of the SRO and school administration in relation to law enforcement at the District;
7. that an SRO who is hired under the contract and the principal at the school where an SRO will be working, or the principal's designee, will jointly complete the SRO training described in Utah Code § 53G-8-702; and
8. if the contract is between the District and a law enforcement agency, that:
   a. both parties agree to jointly discuss SRO applicants; and
   b. the law enforcement agency will accept feedback from the District about an SRO's performance.

   Utah Code § 53G-8-703(2) (2019)

In addition to these required provisions, the contract may include such other provisions as are deemed appropriate, so long as those do not conflict with the required provisions.

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Use of School Facilities:
Employee Access

Principal shall oversee building security—

Principals shall have the responsibility for building security and for issuing keys.

Building access and security—

1. Keys will be issued as follows:
   a. High School and Middle School. Appropriate keys for each administrator and custodian.
   b. Elementary School. Appropriate keys for each administrator, secretary and custodian.
2. To facilitate proper building security, a selected door in each school will be keyed for teachers and employees for after-hour use. This door will be one of the entry/exit doors on alarmed buildings.
3. All employees are to sign when checking a key in or out and will be given an authorization slip properly signed by the Principal.
4. No master key shall be issued to, or used by, anyone other than authorized District personnel.
5. All employees are to be out of the school by 8:00 p.m. and on weekends and holidays unless prior arrangements are made with the Principal and also the District Security Department. All employees are to contact the District Security Department when they remain in the building after normal closing hours or enter the building on weekends and holidays. The Principal will notify the District Security Department of persons authorized to be in the building during named hours and dates. Alarm codes are NOT to be given to unauthorized employees.
6. Employees who copy a key or disregard this policy, or who do not follow this policy will be subject to disciplinary action or termination.
7. Students shall not be issued keys or allowed in a building without adult employee supervision.
8. No keys are to be issued to any member of the community, or club or organization.
9. The Security Department will be notified immediately whenever it is discovered that a school key is lost or stolen.

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Use of School Facilities:
Employee Use of School Property

Use of school property—

The following guidelines shall govern use of school facilities and property:

1. The Principal may authorize the use of school property at the school for community service provided it is used only by authorized school personnel or approved personnel.
2. Property of one school may be loaned to another school of the District provided arrangements are made between the principals involved.
3. School property shall not be used by individuals for private commercial purposes at any time and may not be used for private use except as specifically permitted in this policy.

   Utah Code § 76-8-402(2) (2019)

Use of school property for private purposes—

The following guidelines govern use of school property for private purposes by District personnel:

1. District personnel are to possess and use school property primarily to fulfill their duties as an employee of the District.
2. District personnel may also make incidental use of school property for personal matters if the value provided to the District by the employee's use of the property in fulfilling the employee's work duties substantially outweighs the personal benefit received by the employee from personal use.
3. Specific guidelines for incidental personal use of school property shall be established by the supervisor of the employee using the school property and consistent with the guidelines of this policy.

   Utah Code § 76-8-402(1), (2) (2019)

Personal use of school computers—

Personal use of District computer software and applications must comply with District policies, which prohibit the use of District resources for personal for-profit business, religious, or political activities, or for personal financial benefit outside of employment. Offensive (i.e. pornographic), harassing, discriminatory, or illegal (i.e. gambling) activities are prohibited. Personal use of software and applications which disrupts or distracts the conduct of District business due to volume, timing, or frequency is considered an unacceptable use of District resources.

Costs associated with applications downloaded to District cell phones is the financial responsibility of the user assigned to the cell phone. Downloaded

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applications should not be offensive, harassing, discriminatory or illegal (i.e. gambling) in content. Applications with security vulnerabilities should be uninstalled.

The personal use of social networking applications (e.g. Facebook, Twitter, Instagram, and LinkedIn) is not permitted during work time.

Office computers may be used at home by the employee since use of authorized software increases the employee's knowledge of the software. Unauthorized software may not be installed or used on the computer. Personal use must comply with District policies which do not allow for personal for-profit business, religious, or political activities, or for personal financial benefit outside of employment. The computer is only to be used by District employees. Installation of employee personal printers must be pre-authorized.

Office machines—

Photocopiers and printers are primarily reserved for District use; however, personal copies and printed material can be made at a cost of _____ per page, paid to the _____. Long distance charges incurred as a result of a personal fax transmission shall be the financial responsibility of the employee and reimbursed to the District.

District Vehicles—

District vehicles are provided to enable employees to complete required tasks efficiently and effectively. As a general rule vehicles should remain locked in a secure location when not in use. District vehicles should not be used for non-school purposes or to transport non-school persons unless the reason is documented and approved by the Superintendent. Personal use of vehicles, including commuting to and from work, will be treated as a taxable fringe benefit consistent with IRS Publication 15-B.

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School Plant

Grounds—

School grounds shall be constructed and maintained in conformance with Utah Department of Health requirements and applicable building codes.

Utah Admin. Rules R392-200-5 (May 31, 2018)

Buildings—

Every school building shall be located on grounds that are well-drained and maintained in a sanitary condition and in accordance with Utah Department of Health requirements. All buildings shall be provided with appropriate sanitary facilities and controls, a heating system, lighting facilities, ventilation systems, and health and safety facilities, all of which shall conform with Utah Department of Health requirements.

Utah Admin. Rules R392-200-7 (May 31, 2018)
Utah Admin. Rules R392-200-8 (May 31, 2018)
Utah Admin. Rules R392-200-9 (May 31, 2018)

Carbon monoxide detectors—

Each school building shall be equipped with carbon monoxide detectors as required by state statute.

Utah Code § 15A-5-204(22) (2019)
Utah Code § 15A-5-205.5(1)(f) (2019)
Utah Admin. Rules R277-400-12 (January 22, 2020)

Food service facilities and equipment—

All school lunchrooms, dining areas, and food preparation areas shall be maintained in accordance with Utah Department of Health requirements and local health department regulations. Any food provided by the school shall be obtained, transported, and served from approved sources according to Utah Department of Health regulations.

Utah Admin. Rules R392-200-6 (May 31, 2018)

Custodial services—

All school buildings and appurtenances to buildings shall be maintained in a sanitary manner, and all full-time building custodians and janitors shall be trained to perform their duties.

Pest management—

The District is required to minimize in school buildings and on school grounds the presence of pests that may carry disease, may carry allergens likely to affect individuals with allergies or respiratory problems, or may sting or bite causing mild to serious reactions. The District shall establish integrated pest management practices

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and principles to prevent unacceptable levels of pest activities in school buildings and school grounds with the least possible hazard to people, property, and the environment. The District shall establish a written integrated pest management plan meeting the requirements of Utah Department of Health regulations. (This may be provided by a pest management contractor.)

Utah Admin. Rules R392-200-7(12) (May 31, 2018)
Utah Pests School IPM, Utah State University Extension

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School Plant:
Hazardous Materials

Safe Environment—

The Board of Education recognizes that there are many areas of the school operation, from science laboratories and art departments to custodial services and vehicle maintenance, which use a variety of materials that are hazardous. The Board adopts this policy to promote safety and compliance with applicable laws relating to hazardous materials, by providing for proper purchase, use, and disposal of hazardous materials in the District.

Definition—

Hazardous materials include any substance or mixture of substances that poses a fire, explosive, reactive or health hazard as more fully defined by law.

Procedures—

The Board, through the Superintendent, shall cause to be created procedures which address the purchase, storage, handling, transportation and disposal of hazardous materials for all school facilities and operations including instructional areas. Emergency response actions and evacuation plans shall be coordinated with the procedures. The Superintendent shall also develop written rules and procedures for notifying district administrators that hazardous waste has been discovered and/or produced and rules for the proper disposal of waste.

The procedures shall comply with all local, state and federal laws and regulations which pertain to the safe and proper storage, transportation and disposal of hazardous materials.

The goal of the procedures shall be to set into place an ongoing process by which each location in the district may begin a program of identifying and managing hazardous materials. District personnel shall be encouraged to make less dangerous substitutions for hazardous substances to the extent possible and to minimize the quantities of such substances stored on school property.

Training—

Appropriate school personnel shall be trained to take precautions to prevent accidents and to handle them in the event they do occur. These rules and regulations shall be distributed to all staff members in classified and certified handbooks.

Immunity—

It is not the intent of the Board to expand or modify the district's potential liability exposure through the adoption of this policy. The Board hereby expressly retains and does not waive immunity under the Utah Governmental Immunity Act or

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under any other law. The district's voluntary compliance with any statute or regulation to which it is not otherwise subject shall not be construed to create or assume any potential liability under any local, state or federal law or regulation.

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Hazardous Materials

Program Supervisor—

Overall supervision of adherence to all hazardous materials policies and procedures within the district will be the responsibility of _____ who will serve as the hazardous materials program supervisor, referred to throughout these procedures as the "supervisor."

At each location, a district employee will be designated as the local hazardous materials coordinator, referred to throughout these procedures as the "coordinator." At each location, there also will be an alternate district employee designated as a backup to the coordinator.

The coordinator will be responsible for all aspects of dealing with hazardous materials at the location and will comply with all district policies and procedures and local, state and federal laws and regulations dealing with hazardous materials. The coordinator also will be responsible for reporting any violations of the district's hazardous materials policy or procedures simultaneously to the supervisor and the building/location administrator.

Initial Inventory and Material Identification

The supervisor will cause an initial inventory of all hazardous materials to be completed throughout the district to identify potentially hazardous substances. The supervisor will

[Choose either Option 1:] contract for a qualified hazardous materials person/firm to conduct the inventory of hazardous materials at each location with the assistance of the supervisor and the location/building administrator or a designee. This person/firm also will coordinate the identification of any unknown materials. The supervisor shall follow District procurement procedures in this contracting process.

[Or choose Option 2:] designate a qualified district employee to conduct the inventory of hazardous materials at each location with the assistance of the supervisor and the location/building administrator or a designee. This person also will coordinate the identification of hazardous materials.

The party conducting the inventory will work with at least one designated district employee at each location (either the coordinator or an individual directly in charge of any of the hazardous materials storage/use areas). The party conducting the inventory shall also provide training in the proper process of

identifying hazardous materials to the designated District employee at each location.

At the direction of the coordinator, these trained employees will conduct all future inventories.

The coordinator will arrange for the identification of any unknown suspected hazardous substance through the supervisor.

Tracking, Inventory, and Material Safety Data Sheets

Each coordinator will be responsible for logging in the receipt of all hazardous materials received at that location. The coordinator will track and keep complete written records of the storage, use and ultimate disposition of the hazardous materials. On or before [*insert month and day*] of each year, the coordinator will provide a copy of the current inventory log and record of disposition of all hazardous materials to the supervisor.

The supervisor will maintain a copy of each location's inventory and documentation of all hazardous materials. This information may be released to appropriate police, fire and emergency service authorities.

The supervisor will be responsible for establishing and maintaining the material safety data sheets (MSDS) system for the district.

Each operation and location will maintain a set of MSDS in its area for all hazardous materials present in or which are to be brought into the operation and location. These MSDS will be available for review and use by every district employee. The MSDS also will be available for inspection by appropriate police, fire, health and emergency service authorities.

The purchasing department and the warehouse each will maintain a set of MSDS for all hazardous materials which have been purchased or which are or have been stored.

Purchase of Hazardous Materials

In addition to following the district's regular purchasing procedures, an employee may purchase hazardous materials only with the approval of the coordinator for use at a specific location. The purchasing department will not process any purchase order which does not include the appropriate approval.

The supervisor, the purchasing department and the warehouse will maintain a list of hazardous materials (for which approval is required for purchase) which will be updated at least once a year.

Hazardous materials will not be purchased through any mechanism other than a purchase order through the purchasing department unless the following conditions are fulfilled:

1. The requester secures the prior written approval of the supervisor.

2. The requester provides written notice of the purchase along with copies of all supporting documents including MSDS and the reason for the purchase to the supervisor, the location/building administrator and the supervisor of purchasing.

3. All purchase orders for hazardous materials will include a requirement that the shipment of any such materials includes MSDS with any order or portion of the order. Purchase orders also will note that failure to provide MSDS with the shipment may result in either the district's refusing to accept the shipment or the district's conditionally accepting the shipment and refusing to pay for it until the MSDS are provided.

Any unapproved purchase of hazardous materials is forbidden. Such a purchase may be grounds for termination.

The above procedures also will apply to the acceptance of donated hazardous materials.

Storage, Recycling or Transfer of Hazardous Materials

The supervisor will designate an area or areas for storage of:

1. Materials which might become or are hazardous materials.

2. Hazardous materials which have been declared waste and are being held for disposal.

The supervisor may designate storage areas at each location if appropriate as well as a central district storage site.

When a coordinator has a material which qualifies as hazardous material at that location and which may require disposal, the coordinator will contact the supervisor to arrange for storage, transfer or disposal as appropriate. Materials no longer needed at one location may be available for transfer within the district to other programs or locations.

When materials are not needed by a district location, operation or program, the materials may be declared as waste. Only the supervisor is authorized to declare a hazardous material as waste.

Storage of hazardous materials will comply with federal, state and local law. All hazardous materials will be separated according to physical properties and

stored safely in storage areas appropriate to the risk posed by the materials. For example, volatile substances such as petroleum distillates will be stored in approved safety cabinets. Where appropriate, storage cabinets may be locked and access to students or non-authorized staff limited.

All containers for hazardous materials will be labeled to show date of receipt by the district, shelf life and expiration date. Where space permits, materials will be stored so that the oldest materials are used first (first in-first out).

Transfer of hazardous materials within the district will be accomplished in compliance with “Transportation of Hazardous Materials,” below.

Disposal of Hazardous Materials

A coordinator or a location/building administrator should contact the supervisor if he or she believes that there may be hazardous materials at the location for which there is no immediate need or which may need to be disposed of. Only the supervisor is authorized to declare materials to be waste, excess or surplus and to order their disposal.

When materials are determined to be ready for disposal, the supervisor will arrange for disposal in a manner that complies with all local, state and federal laws and regulations.

Federal and state laws and regulations provide exemptions from certain regulatory requirements for small quantity generators, i.e., those entities or locations that generate waste in amounts below statutory or regulatory threshold amounts. Disposal determinations should preserve small quantity generator status for each location and for any central storage area.

The supervisor will maintain written documentation of the disposal of hazardous materials from all locations in the district. This documentation will be retained in permanent form at one additional location.

Transportation of Hazardous Materials

Transportation of hazardous materials will meet all local, state and federal requirements and will be coordinated by the supervisor.

Federal regulation of the transportation of hazardous materials is extensive, complex, requires significant insurance protection, and involves specialized training of staff and special equipment. Because the district cannot meet these requirements economically with current staff, equipment and training, the district will arrange for qualified third parties to transport any hazardous waste or hazardous materials outside the state.

Once a hazardous material is under district control, each location controlling the material will be responsible for the material until it is properly transported to

another district location. The supervisor will verify that the transportation used meets all district, local, state and federal transportation, financial responsibility and insurance requirements.

Unless the supervisor provides specific written approval, no district employee or volunteer will transport hazardous materials owned by or attributed to the district in a personal automobile.

Unless the supervisor provides specific written approval, no district employee or volunteer shall permit a student to transport hazardous materials owned by or attributed to the district in any vehicle, including district vehicles.

Any unauthorized transportation of hazardous materials is beyond the course and scope of the district employee's or volunteer's authority and is forbidden.

Emergency Response Plan

The supervisor will develop an emergency response plan that will enable any district employee aware of any incident involving hazardous material to take appropriate action to protect students, staff, the general public and district property.

This plan will comply with all applicable laws and regulations and will be coordinated with the district and the location evacuation plans.

In addition, a plan to handle spills and leaks will be developed for each location for all hazardous materials at the location. The plan will address immediate emergency procedures, required notification and clean-up procedure and will comply with all applicable laws and regulations.

All information regarding a hazardous materials incident will be released to the media or the public only by the district's communication officer, the superintendent or their designee. No other district employee is authorized to release information regarding any such incident.

The supervisor will coordinate with the district's legal counsel and the superintendent's office any notification or reports to local, state and federal authorities as well as the district's appropriate insurance/risk management representative.

Evacuation Plan

An evacuation plan will be developed and implemented for each location. In developing the evacuation plan, consideration will be given to the location and the types of hazardous materials present at the location.

An evacuation drill will be held at least once each calendar year at each location. Where possible, this plan will be coordinated with existing fire drills, bomb threat

evacuation plans or other drills and may be conducted in conjunction with any of these other drills. Written records of the drill will be maintained by each location.

As appropriate for the location, copies of the evacuation plan will be posted within the buildings. Copies of the evacuation plan will be maintained by the coordinator, the location/building administrator, the supervisor and any other designated person approved by any of the above-named persons.

Where practical, the evacuation plan will be coordinated with the fire department, police department and the district's transportation department.

Training of Staff and Students

The coordinators, administrators, staff members handling hazardous materials and school nurses/health paraprofessionals will receive training in responding to hazardous materials emergency incidents.

When hazardous materials are used in the classroom, both staff and students will be trained in the handling, storage and use techniques appropriate to the materials used as part of the curriculum. The staff also will be instructed in emergency procedures, including evacuation, appropriate to the materials.

Policy Exhibit #2 CGA

Hazardous Materials — Training Record

Date	Trainer	Persons Trained	Topic

Policy Exhibit #3 CGA

Chemical and Hazardous Materials Information

Brand Name or Common Name:

_____

If MSDS follows, check here: _____

_____

Manufacturer and/or Distributor:

_____

Typical or Intended Use:

_____

Chemical Ingredients:

_____

First Aid:

_____

Other Information:

_____

Date: _____

Accessibility by Disabled Persons

Readily accessible programs—

Programs or activities shall be operated in a manner which ensures that, when viewed in their entirety, they are readily accessible to disabled persons. The District is not, however, required to make each existing facility or every part of a facility accessible to and usable by disabled persons.

34 CFR § 104.22(a)

Compliance—

Compliance with these requirements may be achieved by:

1. Redesigning equipment.
2. Reassigning classes or other services to accessible buildings.
3. Assigning aides to qualified disabled persons.
4. Home visits.
5. Delivery of health, welfare, or other social services at alternate accessible sites.
6. Alteration of existing facilities.
7. Constructing new facilities in conformance with 34 CFR § 104.23.
8. Any other methods that would result in making programs and activities accessible to disabled persons.

Structural changes in existing facilities need not be made when other methods will achieve compliance with the handicap requirements. In choosing among available alternatives for meeting these requirements, the Board shall give priority to methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

34 CFR § 104.22(b)

Notice—

The District shall adopt and implement procedures to ensure that interested persons, including those with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by disabled persons.

34 CFR § 104.22(f)

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Risk Management Procedures

Risk Management Procedures—

The Utah Division of Risk Management ("Division of Risk Management") provides liability coverage for the District through the State's Risk Management Fund.

District personnel shall therefore adhere to the guidelines provided by the Division of Risk Management, which are summarized in Exhibit 1 to this policy.

Litigation guidelines—

As set forth in the Risk Management guidelines,

1. Copies of all legal papers or pleadings of a court received by the District or any of its employees for actions in the scope of their duties should be sent to the Business Administrator, who will send it to the Division of Risk management and to the Board of Education's legal counsel.
2. Districts are not to make any statements or admission of liability in connection with any situation which may give rise to liability of the District.
3. The circumstances surrounding any liability situation should not be discussed by any employee of the District with any third party until after the Division of Risk Management has been notified and the attorney assigned to defend the action has approved such communication.

Risk management coordinator—

The Business Administrator of the District is hereby appointed as the District's Risk Management Coordinator.

Scope of coverage—

All employees of the District and District property are covered by the Division of Risk Management in connection with claims arising from acts or omissions within the scope of their employment with the District. Educators need not purchase alternative insurance to cover liabilities arising from their employment with the District.

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Policy Exhibit 1 CI

Risk Management

"The Division of Risk Management" means the State of Utah Division of Risk Management, which provides liability coverage for Utah's school districts through the State's Risk Management Fund.

These Guidelines are intended to accomplish two goals: (1) Notify you of your responsibilities to inform the Division of Risk Management of accidents that might be covered by the Division of Risk Management; and (2) to screen accidents that might be covered. Early investigation of all potential liability situations by Risk Management is essential to allow liability reduction by the Division of Risk Management.

1. The Principal of each school or designee in the District should immediately investigate all accidents and injuries in each school building and on school grounds or at school activities involving injuries to any students or employees of the District (staff injuries are covered by workers compensation under separate policies).
2. The Principal or designee shall be responsible to prepare and keep a written record of all accidents which are likely to give rise to liability of the District including a complete statement of circumstances in any of the following events.
    a. If an accident is a result of a condition of the premises, building or equipment.
    b. If proper supervision by any school employee may be an issue.
    c. If a parent or guardian has expressed an opinion that the District was responsible for an accident.
    d. If an accident resulted from an activity or circumstance in which the school may be responsible for the accident.
    e. If an accident involves school vehicles or other vehicles while engaged in authorized school activities.
    f. If any accident involves an employee or agent acting within the scope of duties of the District employee who may be responsible for an accident.
3. The designee of each school shall be assumed to be the designated person to submit the report in absence of expressed designation.

Liability

1. In addition to accidents involving physical injuries, all situations which may give rise to liability of the District should be reported such as employment

discrimination, wrongful termination defamation, sexual harassment, sexual abuse, etc.

2. All such potential liability situations should be immediately reported to the District's designated Risk Management Coordinator who will notify the Division of Risk Management. If there is a doubt as to whether a situation gives rise to liability, the District should err in favor of reporting.
3. Whenever serious injury occurs or parents request that you assume responsibility or when you feel the District may be exposed to legal action, do not wait to complete an accident investigation or written report before reporting as outlined in Paragraph 2 above.

Litigation Guidelines

1. Copies of all legal papers or pleadings of a court received by the District or any of its employees for actions in the their duties should be sent to the District's designated Risk management coordinator who will send it to the Division of Risk management and to the Board of Education's legal counsel.
2. All personnel of the District should be instructed not to make any statements or admission of liability in connection with any situation which may give rise to liability of the District.
3. The circumstances surrounding any liability situation should not be discussed by any employee of the District with any third party until after the Division of Risk Management has been notified and the attorney assigned to defend the action has approved such communication

Scope of Coverage

All employees of the District and District property are covered by the Division of Risk Management in connection with claims arising from acts or omissions within the scope of their employment with the District. Educators need not purchase alternative insurance to cover liabilities arising from their employment with the District.

Transportation

Board responsibilities—

The Board shall implement the pupil transportation policies established by the State, implementing the laws and regulations relating to pupil transportation. Specifically, the Board shall adhere to and enforce the standards established in the Standards for Utah School Buses and Operations and the related 2015 National School Transportation Specifications and Procedures as those are incorporated into the Utah standards.

Utah Admin. Rules R277-601-2 (August 12, 2021)
Utah Admin. Rules R277-601-3 (August 12, 2021)

In fulfilling its responsibilities regarding pupil transportation, the Board shall:

1. Oversee the pupil transportation operations within the District, including training programs for all transportation personnel, review of school bus routes and evaluation of the pupil transportation system, and the investigation and reporting of accidents and other transportation problems;
2. Provide resource material and establish, as an integral part of the school curriculum, instruction in passenger safety that complies with applicable standards;
3. Provide for the continuous supervision of loading and unloading areas at or near the school and the conduct of periodic emergency evacuation drills;
4. Provide for adequate supervision for pupils whose bus schedule necessitates their early arrival or late departure from school; and
5. Promote public understanding of and support for the school transportation program in general.

School Traffic Safety Committee—

The Board hereby establishes the District School Traffic Safety Committee.

1. The Committee consists of:
   a. One representative from each school within the District;
   b. One representative from each Parent Teachers' Association within the District;
   c. A representative from the municipality or county;
   d. A representative from state or local law enforcement; and
   e. A representative from a state or local traffic safety engineering department.

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2. The Committee shall receive suggestions from school community councils, parents, teachers and others and recommend school traffic safety improvements and boundary changes to enhance safety.
3. The Committee shall annually review and submit to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the District.
4. The Committee shall consult with the Utah Safety Council and the Utah Division of Family Health Services and shall provide training to all District schoolchildren in grades K-6 on school crossing safety and use.
5. The Committee shall help ensure the District's compliance with rules made by the Transportation Commission under Utah Code § 41-6a-303 and may establish subcommittees as needed to assist in accomplishing its duties.

Utah Code § 53G-4-402(17) (2021)

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Transportation:
Planning and Funding:
Funding

Revenue—

The District will fund the transportation program primarily from revenue provided by the state. To this end, the District will comply with all state rules and regulations regarding funding and record keeping.

The Board will determine what students are eligible for state-sponsored transportation and whether expenses of ineligible students will be funded from the general revenue of the District.

Utah Code § 53F-2-402 (2022)
Utah Code § 53F-2-403 (2021)

Alternative transportation—

The Board and Pupil Transportation Director will analyze bus routes that involve a large number of deadhead miles to determine if an alternative method of transporting students is more efficient. Possible alternatives include the following, as outlined in Utah State Board of Education rules:

1. Use of a District multi-purpose passenger vehicle to transport students;
2. Paying the parent or guardian of an eligible student an allowance in lieu of District-supplied transportation wherein the parent or guardian is reimbursed for mileage to school or bus-stop, whichever is closer;
3. Providing a subsistence allowance for a student to live at a site nearer to the school; and
4. Engaging in a contract or leasing for transportation.

Utah Admin. Rules R277-600-7 (August 19, 2019)

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Transportation:
Planning and Funding: Evaluation

Evaluation—

In pupil transportation, the ultimate objective is to provide children with safe transportation to and from school in the most efficient and cost-effective means possible. The data and records that are gathered during the normal course of business provide a part of the information necessary to establish the present status of the pupil transportation program. The Key Performance Indicators listed in the National School Transportation Specifications and Procedures guidance on evaluation of the student transportation system provide a framework for effective evaluation. The Board will use this framework, with further modifications as suggested by the District Pupil Transportation Specialist, to determine what changes will make the pupil transportation system more efficient and cost effective.

Utah Admin. Rules R277-601-2(1) (August 12, 2021)
Standards for Utah School Buses and Operations Foreword (2019)
National School Transportation Specifications and Procedures p. 180-81 (May 2015)

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Transportation:
Planning and Funding:
Route Planning

General requirements—

Buses operated by the District will run on routes proposed by the Board and approved by the State Board of Education. The District will provide the State Board of Education all information requested for the approval of any route.

The Board will not propose routes for which a student allowance or subsistence allowance accomplishes the needed transportation at less cost.

Routes proposed by the Board must:

1. Traverse the most direct public road;
2. Be reasonably cost effective related to other feasible alternatives;
3. Provide adequate safety for students;
4. Traverse roads that are constructed and maintained in a manner that does not cause property damage; and
5. Include an economically appropriate number of students.

Utah Admin. Rules R277-600-6(3) (August 19, 2019)
National School Transportation Specifications and Procedures p. 170-172 (May 2015)

Number of students—

The minimum number of general education students required to establish a route is ten; the minimum number of students with disabilities required to establish a route is five. If a route is required for less than these numbers, the Board will propose such a route to the State Superintendent for approval.

Utah Admin. Rules R277-600-6(4) (August 19, 2019)

Bus stops—

The Board will designate safe areas for bus stops. To promote efficiency, the minimum distance between bus stops will be 3/10 of a mile. Bus routes shall avoid, whenever possible, bus stops on dead-end roads. A student's parent or guardian is responsible for the student's transportation to bus stops up to one and one-half miles from home depending on the age and ability of the student. A parent or guardian of a student that has a disability is responsible for the student's transportation to bus stops except as provided otherwise in the student's Individualized Education Program (IEP).

Utah Admin. Rules R277-600-6(5), (6) (August 19, 2019)
National School Transportation Specifications and Procedures p. 173-174 (May 2015)

Roads—

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A bus route may follow only public roads that are constructed and maintained at such standards that the condition of the road will not subject the passengers on the bus to undue hazard and will not subject the District or any of its employees to liability for injury or property damage.

National School Transportation Specifications and Procedures p. 170-172 (May 2015)

Changes—

Whenever a bus route is extended to pick up additional children, the Board will analyze extra costs and time and obtain prior approval from the State Superintendent. The District will consider whether student reimbursement will be more economical.

Utah Admin. Rules R277-600-6(7) (August 19, 2019)

Routes as alternatives to construction—

When the District is not using facilities efficiently, the Board, with permission from the State Superintendent, will examine the use of bus routes as an alternative to building construction.

Building construction alternatives include elementary double sessions, year-round school, and attendance across district boundaries.

Utah Admin. Rules R277-600-6(10) (August 19, 2019)

Planning process—

In order to establish bus routes that will adequately meet the needs of pupils, the Board or District Pupil Transportation Director will procure a map of the area served by a particular school or school system. Information on the road conditions, railroad crossings and other factors that might affect the particular operation should be recorded on the map along with the location of homes and the number of school age children in each.

Satisfactory school bus stops should be identified along streets and highways where buses can travel with the least amount of risk. The number of pupils to be transported and the distance to be traveled are primary factors in allocating equipment for a particular area. The District should assign pupils to specific stops according to walking distances, grade level and school attended. The District will give special attention to handicapped students.

National School Transportation Specifications and Procedures p. 170-172 (May 2015)

Surveys/schedules—

Bus routes, stops, and schedules will be developed by the District Pupil Transportation Director to meet the requirements in Utah Admin. Rules R277-600-6 and taking into consideration the processes and procedures outlined in the “Routing and Scheduling” section of the National School Transportation Specifications and Procedures, including review of maps, surveys of existing and proposed routes and stops, and other methods of planning and evaluation.

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Utah Admin. Rules R277-600-6 (August 19, 2019)
National School Transportation Specifications and Procedures p. 170-174 (May 2015)

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Transportation:
Planning and Funding:
School Site Selection

Generally—

When school sites are selected, the Board will give consideration to the safety of the pupils riding school buses. The Board will avoid high density traffic flow near school exits and entrances. Proper site selection and plant planning for improved school transportation is extremely important. Specifically, all sites should provide:

1. Separate and adequate space for school bus loading zones
2. Clearly marked and controlled walkways through the school bus zones.
3. Traffic flow and parking patterns separate from the boarding zone.
4. A separate loading area for wheelchairs.
5. An organized schedule of loading areas with stops clearly marked.
6. A loading and unloading site to eliminate the backing of school buses.

National School Transportation Specifications and Procedures Appendix D p. 366-368 (May 2015)

Special education—

Pupils with disabilities require special care in transportation. All personnel in the District will abide by the standards in Standards for Utah School Buses and Operations and in the National School Transportation Specifications and Procedures regarding transporting students with disabilities.

Standards for Utah School Buses and Operations p. 17-20 (2019)
National School Transportation Specifications and Procedures p. 215-238 and Appendix E (May 2015)

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Transportation:
Personnel:
Director of Transportation

Duties of Pupil Transportation Director—

The Pupil Transportation Director will:

1. Provide assistance to the Board in planning, budgeting and forecasting for the pupil transportation system;
2. Assist school officials in school site selection and plant planning;
3. Provide for bus chassis, body, and related equipment procurement;
4. Develop and implement a plan for preventative and on-going equipment maintenance;
5. Recruit, select, instruct, evaluate, and supervise personnel;
6. Route and schedule buses for safe, efficient, and economical transportation service;
7. Assist in the development and implementation of pupil safety education programs;
8. Work with the Superintendent, teachers, transportation personnel, students, parents and public and private agencies to improve their knowledge and the quality of the transportation system;
9. Investigate and report crashes and safety-related incidents using the uniform school bus crash reporting criteria and the standard safety incident investigation process;
10. Investigate reported problems;
11. Maintain records and prepare reports as required;
12. Develop and supervise the implementation of an ongoing evaluation plan for the district pupil transportation system;
13. Implement a drug/alcohol testing program in compliance with federal regulations for persons in safety sensitive positions and for commercially licensed drivers;
14. Establish and ensure appropriate staffing levels;
15. Recommend vehicle and equipment replacement schedules; and
16. Exhibit effective skills in conflict resolution and problem solving.

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National School Transportation Specifications and Procedures Appendix D p. 387 (May 2015)

Qualifications of Pupil Transportation Director—

The Pupil Transportation Director shall have a basic understanding of the educational process and the corresponding role of transportation, and shall have the following qualifications:

1. A satisfactory driving record as revealed through checks with the Driver's License Division.
2. A satisfactory work history as verified through professional references.
3. An undergraduate degree, equivalent experience, or industry certification in Education, Business Administration, Management, Transportation, or a related field;
4. Formal instruction in student transportation management, including classroom instruction and field experience or student transportation industry certification;
5. The ability to manage personnel and resources;
6. Basic user-level competency with accounting and word processing software and knowledge of web-based information systems;
7. The ability to communicate effectively with school administrators, teachers, parents, students, bus drivers, law enforcement officials, and others; and
8. Knowledge of state and federal regulations applicable to transportation of students.

National School Transportation Specifications and Procedures Appendix D p. 388 (May 2015)

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Transportation:
Personnel:
Operators and Mechanics

School bus operators—

A school bus driver shall possess the following qualifications to be hired, in addition to the ongoing requirements listed below:

1. Have a satisfactory employment background and residency verification.
2. Have a satisfactory driving history, consisting of the following:
   a. Be at least 21 years of age.
   b. Possess a valid commercial driver license (CDL) with a school bus endorsement.
   c. Have no more than two moving violations or two accidents (or combination of moving violations and accidents) within the past 24 months as shown on the driver's Motor Vehicle Report (MVR).
3. Have a satisfactory criminal background check performed according to Policy DAC and subject to the following standards:
   a. No felony convictions
   b. No offense resulting in a term of imprisonment or correctional detention
   c. No convictions for DUI during the past 10 years
   d. No criminal convictions involving:
      i) Child abuse, neglect, or endangerment
      ii) Possession or distribution of an illegal substance
      iii) Illegal use or possession of weapons
      iv) Violence
      v) Sex-related offenses
   e. No other convictions or criminal history which the District determines indicates the applicant is unsuitable for employment as a bus driver
4. Not have a positive test on or a refusal to take a drug or alcohol test.
5. Pass a physical examination for drivers in accordance with the U.S. Department of Transportation, Bureau of Motor Carrier Regulations.

A school bus driver shall maintain the following qualifications on an ongoing basis.

1. Pass the State Board of Education Physical Assessment Standard at least every two years.

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2. Pass the Department of Transportation physical examination at least every two years.
3. Have the possession and use of both hands, both arms, and both feet.
4. Have the use of both eyes with vision equivalent to 20/40 (Snellen Test) or better, with or without glasses, and have near-normal depth perception.
5. Have adequate hearing.
6. Have no color blindness deficiency which would interfere with safe driving.
7. Meet all qualifications listed in 391.41 of the Federal Motor Carrier Safety Regulations manual (49 CFR § 391.41).
8. Maintain a valid commercial driver's license (CDL) with passenger/school (P/S) endorsement in accordance with the Commercial Vehicle Safety Act of 1986.
9. Attend the required annual state training.
10. Complete the required recertification training.
11. Submit to and pass the required background check or ongoing monitoring of criminal background information under Policy DAC.
12. Pass all drug and alcohol testing requirements.
13. Follow all District transportation policies and procedures.

Standards for Utah School Buses and Operations p. 20-21 (2019)
National School Transportation Specifications and Procedures Appendix D p. 397 (May 2015)

A school bus driver's duties include, in addition to operating the bus on routes as directed to transport students, the following specific responsibilities:

1. Report defective school bus equipment and accessories, including but not limited to, fire extinguishers, highway warning kits, first aid and body fluid cleanup kits, snow chains, sanders, etc., and when necessary install, service or replace defective equipment;
2. Perform required operational and safety inspections of the school bus and all related equipment;
3. As directed, clean and service the school bus to include interior cleaning and exterior bus washing, installation of fuel, oil and other fluids;
4. Operate all hand and foot controls installed in a school bus, as required;
5. Perform basic first aid, as appropriate, which may include CPR;
6. Work effectively with a group of students of different grade levels, abilities or program placement;
7. Accurately and legibly complete forms, records, reports and other documentation/data-logging activities, as required;

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8. Be punctual;
9. Dress appropriately and wear proper foot protection;
10. Manage passengers in the school bus;
11. Report unsafe acts or conditions that require the attention of any person other than the driver.

National School Transportation Specifications and Procedures Appendix D p. 397-97 (May 2019)

Traffic violation reporting—

In addition to the reporting required under Policy DACA, bus drivers must report any traffic violation conviction to the District within 48 hours, with the exception of parking violations. (This applies to any such matters whether those occur in the course of work responsibilities or on personal time and with private vehicles.)

Standards for Utah School Buses and Operations p. 23 (2019)

Maintenance and service personnel—

The District will employ adequate staff to perform maintenance functions on a timely basis consistent with Utah and national standards. The District will arrange, at regular intervals, for pre-service and in-service training for mechanics.

Standards for Utah School Buses and Operations p. 22 (2019)

Misconduct: violation of regulations—officers and employees—

Any officer or employee of any District who violates any of the regulations established under Utah Code Section 41-6a-1304 (the Standards for Utah School Buses and Operations) or fails to comply with said regulations in any contract executed by that person on behalf of a District shall be guilty of misconduct and subject to removal from office or employment.

Utah Code § 41-6a-1305(1) (2005)

Misconduct: violation of regulations—contractees—

Any person operating a school bus under contract with a District who fails to comply with any regulations contained in the Standards for Utah School Buses and Operations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such District.

Utah Code § 41-6a-1305(2) (2005)

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Transportation:
Personnel:
Training

Generally—

The District will permit all personnel the opportunity to participate in training in order that they attain a high degree of competence and knowledge of their duties.

Pupil transportation director—

The District Pupil Transportation Director shall attend such training as is required by his or her duties and responsibilities and as may be recommended by the State Board of Education.

Bus driver training—

Bus drivers shall complete all of the training required under the Standards for Utah School Buses and Operations, "Bus Driver Instruction and Certification Standard," which incorporates the national standards. Utah standards mention at 21, mostly incorporate the national standards. National standards discuss at 163-65.

Standards for Utah School Buses and Operations p. 21 (2019)
National School Transportation Specifications and Procedures p. 163-65 (May 2015)

Mechanic training—

The District recognizes that a school bus which operates properly is more responsive to the driver's command and enables the driver to devote attention to the driving task. The importance and the continuous safe operating characteristics of the school bus are vital to the District's pupil transportation system. An untrained mechanic is a poor investment of funds. Therefore, mechanics will attend at least eight hours of in-service training each year consistent with the requirements of the Standards for Utah School Buses and Operations and the national standards.

Standards for Utah School Buses and Operations p. 22 (2019)

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Transportation:
Equipment:
Buses

Design and construction—

All buses that the District uses will conform to the requirements set out for new and used buses in the Standards for Utah School Buses and Operations and the National School Transportation Specifications and Procedures. Further, the District will purchase no buses which do not meet the Standards for Utah School Buses and Operations unless an exemption has been obtained from the State Board of Education.

Standards for Utah School Buses and Operations p. 12-14, 17-18 (2019)

Markings—

Every school bus, when operated for the transportation of school children, shall bear upon the front and rear of the bus a plainly visible sign containing the words “School Bus” in letters not less than eight inches in height, which shall be removed when the vehicle is not in use for the transportation of school children.

Utah Code § 41-6a-1302(1) (2020)

Each school bus shall have a clearly legible sign placed by each entrance to the bus which warns that unauthorized entry of a school bus is a violation of state law.

Utah Code § 76-9-107(3) (2003)

Lights—

Every school bus shall, in addition to any other equipment and distinctive markings be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight.

Utah Code § 41-6a-1301(1) (2015)

Every school bus shall also be equipped with yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight.

Utah Code § 41-6a-1301(2) (2015)

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Inspection—

Before any new school bus shall be put into service, the District shall inspect and test the bus to verify conformance with the Standards for Utah School Buses and Operations. Tests which shall be conducted during the acceptance inspection of a school bus shall include, but not be limited to:

1. Inventory of required safety features.
2. Functions tests of all lamps and signals, emergency braking system, horn and other operating systems.

If further inspection is required, the District will request that Utah Department of Transportation officers provide an acceptance test.

Standards for Utah School Buses and Operations p. 13 (2019)

The District shall perform annual safety inspections on its school buses in accordance with regulations of the Utah Highway Patrol Division. The District shall remove from public highways any buses that have defects endangering the safety of passengers or other drivers until any such defects have been remedied. District buses are also subject to random inspection by the Utah Highway Patrol.

Utah Code § 53-8-211(2), (3) (2020)
Standards for Utah School Buses and Operations p. 19 (2019)

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Transportation:
Equipment:
Inspection and Maintenance

Inspection of equipment—

The school bus operator is the key to an effective daily inspection program. It is the operator's responsibility to make a planned and systematic inspection of the bus before each trip. The Pupil Transportation Director shall establish an outline to be followed in performing daily and pre-use inspections, taking into consideration the items and principles outlined in the National School Transportation Specifications and Procedures and applicable CLD requirements.

National School Transportation Specifications and Procedures p. 140-43 (May 2015)

Maintenance—

Teamwork and written policies are essential to a well-organized maintenance program. The Board will adopt, in consultation with the Pupil Transportation Director, strong and reasonable school bus maintenance policies that will provide efficient guidelines for the supervisor of transportation, maintenance, transportation, maintenance personnel and operators of the vehicles. Such policies should include the maintenance responsibilities of each person involved and should provide for a planned maintenance program and should meet the standards outlined in the National School Transportation Specifications and Procedures.

National School Transportation Specifications and Procedures p. 175-77 (May 2015)

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Transportation:
Equipment:
Advertising on School Buses

Authorization—

The Board of Education authorizes the sale of advertising on school buses used by the District subject to the standards and requirements of this policy.

Advertising Content—

The content of advertising on school buses shall be appropriate for school age children and shall be consistent with state health curriculum requirements (established under Utah Code § 53G-10-402).

The District shall not accept advertising for school buses which contains:

1. Promotion of any substance or activity which is illegal for minors, including but not limited to alcohol, tobacco, drugs, or gambling;
2. Promotion of any political party, candidate, or issue;
3. Sexual material; or
4. Religious messages (including those favorable or unfavorable towards religion).

Utah Code § 41-6a-1309 (2018)

The District may reject advertising for school buses which:

1. Relates to a subject or topic which the District determines is controversial or which may create controversy; or
2. Relates to another educational institution or an educational service which is in competition with the District's educational programs.

Advertising Contracts—

Each contract for advertising on a school bus shall require the advertiser to pay the cost of placing the advertisement on the bus and the cost of removing the advertisement from the bus when the contract expires.

Revenue derived from the sale of advertising on school buses shall be used only for expenditures within accounting function 2700 (School Transportation Services).

Utah Code § 41-6a-1309(4)(b), (5) (2018)

Advertisement Placement and Format—

Advertisement placed on a bus may not:

1. be placed on the front or back of the bus;

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2. cover an area greater than 35% of the side area of the bus;
3. cover, obscure or interfere with the operation of any required lighting, reflective tape, emergency exits or any other safety equipment;
4. be placed within six inches of any required markings, lighting or other required safety equipment;
5. resemble a traffic control device;
6. be illuminated; or
7. be constructed of reflective material.

Utah Code § 41-6a-1309(2)(b)(iv) (2018)
Utah Admin. Rules R909-3-2 (March 14, 2022)

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Transportation:
Operations:
Communications

Communication and evaluation—

The District recognizes that it is important to keep District administration, staff, parents, and pupils informed regarding transportation matters and operational procedures. The Superintendent, in consultation with the Pupil Transportation Director, will submit for Board approval policies and procedures for rapid and effective communications relating to pupil transportation. Some of the methods that the District may use are:

1. Bulletins to explain the District's transportation policy to school administrators, teachers, drivers, parents, pupils and others associated with the operation and to clarify new laws and safety policies.
2. Meetings that provide an opportunity for those associated with the school transportation program to share their views and help build broad community support for safe transportation.
3. Public press releases to inform parents of policy, route, stop and schedule changes; the safety record of the pupil transportation operation; and positive driver achievement records.
4. Conferences to discuss solutions to disciplinary problems with drivers, attendants or monitors, disruptive pupils and their parents and to review policy decisions affecting drivers, contractors, students, and administrators.
5. Letters to inform parents of all school and state regulations and new routes, and to reply to more urgent inquiries regarding pupil transportation safety, policy and procedures.
6. Telephone calls to provide quick contact between bus operators and the school or between parents and the school in the event of urgent or emergency situations.
7. Radio, television, or web page announcements to inform the public of procedures the schools will follow in case of severe weather conditions or other natural phenomena, new policies, laws, etc.
8. Formal hearings as required for student suspensions from transportation, for route challenges, or for serious complaints against drivers or attendants.
9. Wireless communications devices, consistent with Policy CJDG.

National School Transportation Specifications and Procedures p. 159-60 (May 2015)

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Transportation:
Operations:
Pupil Management

Generally—

Effective pupil management requires the combined effort of four groups: the District administration, bus operators, pupils, and parents. The Board adopts this policy to set forth the responsibilities of each group to contribute to good pupil transportation management to promote the safety and well-being of pupils.

District responsibility—

The Board is responsible to:

1. Establish the policies and procedures by which the program functions.
2. Establish pupil regulations governing the behavior and safety of pupils while on the bus and at the bus stop.
3. Institute and administer an instructional program that teaches pupils proper conduct and safety procedures.
4. Conduct a training program for school bus drivers to ensure that all policies, procedures and regulations are understood and why they must be enforced.
5. Ensure that parents receive written copies of bus rules and regulations that clearly establish parents' roles and obligations with respect to pupil promptness, attitude and behavior.
6. Provide training in pupil management skills that extends beyond the scope of enforcing rules and regulations.

Operator responsibility—

School bus operators are responsible to:

1. Be familiar with all rules, policies and procedures affecting pupil transportation.
2. Be proficient in the appropriate use of all equipment, tools, technologies and adaptive equipment in the bus.
3. Establish rapport with parents, the operator's supervisor, and each building administrator and work to ensure proper conduct and communications.
4. Establish proper rapport with pupils.
5. Demonstrate and instruct pupils in safe and appropriate behavior, consequences of improper behavior, general procedures, and evacuation drills and safe travel practices.

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6. Maintain order and safety and protect the rights of others in the school bus, using good judgment and prudence in doing so and using appropriate verbal interventions, including but not limited to:
   a. Minimizing interior noise.
   b. Requiring an orderly entrance and exit.
   c. Eliminating the movement or potential movement of objects.
   d. Requiring silence at railroad crossings.
   e. Prohibiting transportation of unauthorized materials.

   National School Transportation Specifications and Procedures p. 138-39 (May 2015)

Pupil responsibility—

Proper pupil behavior is important because the distraction of the driver can cause accidents. Pupils should be aware of and abide by reasonable regulations to enhance safety. The pupil should clearly understand the consequences of unacceptable behavior. Pupils are responsible to:

1. Be aware that they are responsible for their actions and behavior.
2. Know what the rules and procedures are and abide by them.
3. Display proper respect for the rights and comfort of others.
4. Realize that school bus transportation can be denied if they do not conduct themselves properly.
5. Be aware that any driver distraction is potentially hazardous to the safety of all passengers, the driver, pedestrians and motorists.
6. Be aware of the dangers of loose clothing, drawstrings, clothing accessories, backpacks, and other loose personal items.
7. Be aware of the dangers of walking to and from, in and around the loading and unloading zone, of the need to cross the road safely at the bus stop, to avoid retrieving items dropped in the danger zone of the bus during loading and unloading, and to move away from the bus (out of the danger zones) after unloading.

   National School Transportation Specifications and Procedures p. 144 (May 2015)

Parent/guardian responsibilities—

Parents and guardians are responsible to:

1. Understand and support District rules and policies, regulations, and principles of school bus safety.
2. Encourage children to abide by rules and regulations.
3. Assist children in understanding rules and regulations.

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4. Recognize their responsibility for the actions of their children, including their responsibility for the safety of the children before the bus arrives to pick them up and after the bus departs following dropping them off.
5. Support safe riding practices and reasonable discipline efforts.
6. Teach children proper procedures for safely crossing the roadway before boarding and after leaving the bus.
7. Support procedures for emergency evacuation.
8. Respect the rights and privileges of others.
9. Understand the dangers of loose clothing, drawstrings, clothing accessories, backpacks and other loose personal items and take appropriate action.
10. Monitor bus stops, if possible.
11. Support efforts to improve school bus safety.
12. Be aware of illegal or other undesirable activities and other dangers involved in and around the loading and unloading zone.
13. Communicate observed safety concerns to the appropriate District representative.

National School Transportation Specifications and Procedures p. 143-44 (May 2015)

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Transportation:
Operations—Unauthorized Persons on Buses

Authorized Persons on School Buses—

The only persons authorized to board a school bus operated by the District are students, persons employed by the District, or persons volunteering as participants in school activities.

Unauthorized Entry on School Bus—

Unauthorized entry of a school bus occurs in any of the following circumstances:

- An individual enters a school bus with the intent to commit a criminal offense.
- An individual enters a school bus and disrupts or interferes with the driver.
- An individual, other than (a) a peace officer acting within the scope of his or her authority, or (b) an authorized person (see above), enters a school bus and refuses to leave after being ordered to do so by the driver, and either (a) causes or attempts to cause a disruption or an annoyance to any passenger on the bus, or (b) is reckless as to whether the person's presence or behavior will cause fear on the part of any passenger on the bus.

Utah Code § 76-9-107(2) (2003)

Posting of Warning—

Each school bus shall have a clearly legible sign placed by each entrance to the bus which warns that unauthorized entry of a school bus is a violation of state law.

Utah Code § 76-9-107(3) (2003)

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Transportation:
Operations
Charter School Students

Transporting Charter School Students—

The District may provide transportation to charter school students on existing, approved routes within the District on a space-available basis. The District shall not displace any students of the District to transport charter school students, nor shall the District incur any additional costs in transporting charter school students.

Utah Admin. Rules R277-551-4(3) (January 9, 2019)

Charter Students Boarding and Leaving Bus—

Charter school students who have been authorized to ride on a District bus shall board and leave the bus only at existing designated stops on existing approved bus routes or at an identified destination school. Each charter school student shall board and leave the bus at the same stop each day.

Notice of District Bus Policies—

The District shall provide notice to charter school students who are authorized to ride District buses, and to the student's parent or guardian, of the District's bus policies, including the standards for student conduct on the bus. (See Policy FGAC.)

Bus Privileges Revoked for Violation of Policies—

If a charter school student riding a District bus violates the District bus policies or standards of conduct, the student will forfeit the privilege of riding the District bus and will no longer be permitted to do so.

Utah Admin. Rules R277-551-3(4)(b) (January 9, 2019)

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Transportation:
Operations:
Lights and Railroad Crossings

Lights—

The operator of a school bus shall operate alternating flashing red light signals at all times when children are unloading from a school bus to cross a highway, or when a school bus is stopped for the purpose of loading children who must cross a highway to board the bus, or at any other time when it would be hazardous for vehicles to proceed past the stopped school bus.

The alternating flashing red light signals may not be operated except when the school bus is stopped for loading or unloading school children or for an emergency purpose.

Utah Code § 41-6a-1302(4) (2015)

The flashing yellow lights shall be displayed by the school bus operator at least 100 feet, but not more than 500 feet, before every stop at which the alternately flashing red lights will be actuated.

Utah Code § 41-6a-1301(3) (2015)

Standees—

Students must be seated at all times while being transported to and from school. The school bus operator will not permit standees under any circumstances.

National School Transportation Specifications and Procedures p. 148-49 (May 2015)

Railroad crossing—

The operator of any school bus, whether carrying passengers or not, must follow the procedures and precautions for making railroad crossings set forth in the National School Transportation Specifications and Procedures, Appendix D, “Recommended Procedures for School Bus Drivers at Railroad Grade Crossings.”

National School Transportation Specifications and Procedures Appendix D p. 380-81 (May 2015)

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Transportation:
Operations:
Emergencies

Emergency evacuation—

The following are instances when an operator should evacuate the school bus:

1. Fire or Danger of Fire. Proximity to an existing fire or gasoline or other combustible material combined with an inability to move the bus is considered danger of fire and pupils should be evacuated. Likewise, the operator should stop and evacuate the bus immediately if the engine or any portion of the bus is on fire. In either case, pupils should be moved to a safe place 100 feet or more from the bus and instructed to remain there until the operator has determined that the danger has passed.
2. Unsafe position. When the bus is stopped because of an accident, mechanical failure, road conditions, or human failure, the operator must determine immediately whether it is safer for pupils to remain on or evacuate the bus.
3. Mandatory Evacuations. The operator must evacuate the bus when:
    a. The final stopping point is in the path of a train or adjacent to railroad tracks.
    b. The stopped position of the bus may change and increase the danger. The operator should be certain that the evacuation is carried out in a manner which affords maximum safety for the pupils.
    c. The stopped position of the bus is such that there is a danger of collision.
    d. Sight distance. In normal traffic conditions, the bus should be visible for a distance of 300 feet or more. A position over a hill or around a curve where such visibility does not exist should be considered reason for evacuation.

    National School Transportation Specifications and Procedures Appendix D p. 382-383 (May 2015)

Emergency evacuation drills—

The Board recognizes that there is an urgent need, due to the increased number of pupils being transported and the ever-increasing number of accidents on the highways, to instruct pupils on how to properly vacate a school bus in case of an emergency. Without training, pupils may block the emergency door by all trying to exit at the same time. There is also a danger when pupils jump from the rear emergency door exit. To avoid these situations, schools should organize and conduct emergency exit drills for all pupils who ride the school bus.

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In conducting school bus evacuation drills, school officials should consider and observe the guidelines and procedures set forth in the National School Transportation Specifications and Procedures, "Instructions for Conducting Emergency Exit Drills."

National School Transportation Specifications and Procedures Appendix D p. 382-385 (May 2015)

Emergency procedures—

The Board will develop an emergency plan consistent with the following guidelines, in consultation with the Pupil Transportation Director and the personnel of those agencies that will render service during emergencies. In developing this plan, the Board may refer to "Emergency and Rescue Procedures: A Guideline Manual for School Bus Involvement," a publication developed by the National Association of State Directors of Pupil Transportation Services. Copies of the plan should be carried in each bus. The plan will instruct the District Pupil Transportation Director, school administrators, teachers, drivers, maintenance and service personnel, pupils and others of the procedures to be followed in the event of:

1. Crashes. The plan should spell out the following:
    a. When and how to evacuate and control students.
    b. How to evaluate the need for medical assistance.
    c. How to get help from the police, fire department and the garage.
    d. How to collect and record data essential to the preparation of the required crash reports. An operational plan to provide two-way communication with parents and/or guardians is imperative.
    e. How to prevent further accidents.
    f. Talking points regarding protocol of dissemination of information while at the crash site (including communication with the media etc.).
2. Sudden Disability of Driver. The plan should establish procedures for handling situations resulting in the fatal injury or disability of the bus driver. The District should communicate these procedures to the appropriate persons. A list that includes the name of the bus operator, emergency telephone numbers, names of students assigned to the bus and any special needs of students should be in the bus.
3. Bus breakdown. The plan should cover the procedure for:
    a. Securing the bus.
    b. Maintaining control of passengers and accounting for passengers (head count).
    c. Diagnosing the cause(s) of bus breakdowns and communicating with base and vehicle maintenance.

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   d. Notifying school officials and parents.
   e. Recovering the disabled school bus.
   f. Providing replacement transportation for passengers.

4. Inclement weather conditions. The emergency plan should provide procedures for determining:
   a. When schools are to be closed, delayed, or require early dismissal.
   b. Who is to make such decisions.
   c. How decisions are to be relayed to parents, students, school officials and staff (including teachers and cafeteria managers), drivers, contractors, maintenance and service personnel, the news media and others.
   d. How to react to such natural phenomena as floods, tornadoes, earthquakes, etc.
5. Other types of emergency situations. The emergency plan should cover such conditions and events as:
   a. Defense/disaster drills.
   b. Strikes or other job action by school staff, teachers, drivers or contractors.
   c. Road or bridge washouts and landslides that might block school bus routes.
   d. Bus hijacking.
   e. Weapons or suspected explosives on board or at bus stops.
   f. Unauthorized boarding.
   g. Student health emergencies.
   h. Student fights.
   i. Suspicious persons and/or vehicles.
   j. Terrorist planning or incident.

National School Transportation Specifications and Procedures p. 177-79 (May 2015)

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Transportation:
Operations:
Rental of School Buses

Rental of school buses—

School buses may be rented from the District in accordance with the following policy.

Duties of pupil transportation director—

The District Pupil Transportation Director is responsible for scheduling buses and shall determine whether the District has buses in addition to those necessary to transport students to and from school and other school related activities for which buses are used. In the event the District has buses which are not needed to meet District transportation needs, the Director shall designate buses which may be rented to the public and devise a schedule showing days when each bus is available for rent together with per day rental costs and charges.

The Director shall be responsible to collect rental money and to verify that the person renting the bus has met each of the following requirements:

1. The person or entity renting the school bus must show that the persons who will operate the school bus
    a. have the appropriate license to permit operation of the bus to be rented
    b. are at least 21 years of age; and,
    c. have been a resident of the state for at least one year.
2. The person or entity in whose name the bus is rented shall provide adequate proofs of being a named insured covering:
    a. that person and all persons who may occupy the bus and any other person who may be injured as a result of the operation of the school bus while in that person's control in the amount of at least $750,000 per occurrence, per person but in no event less than amounts required by the Public Service Commission;
    b. collision insurance in an amount of at least $150,000.00 per occurrence;
    c. proof that the District is an insured under the policy or policies; and
    d. a waiver of subrogation by the insurer.
3. The person in whose name the bus is rented shall sign a release provided by the District which generally releases the District from any liability arising from maintenance or operation of the bus during the rental period.

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4. The person renting the bus shall sign a “Bus Rental” agreement and show proof by two forms of identification, at least one of which shows a picture of such person.
5. No school bus may be rented to any person or entity who demands compensation for driving or providing carrier service, or who furthers his or her commercial interests through providing transportation, or who drives a bus or other transportation for hire.
6. Nothing in this policy shall require the District to rent buses. The District may, at its sole discretion, limit use of rented buses to the area within the District or within the State.
7. The District may refuse use of district buses to any individual, group or organization which in the sole discretion of the Board or the Board’s designee has not provided adequate or appropriate assurance of liability insurance, ability to safely operate or supervise operation of the bus, or, ability to care for persons or property.

Term of bus rental—

No bus may be rented for a term which would interfere with use of the bus for District purposes.

Risk management approval required—

No bus shall be rented by the District unless such rental has first been approved by Utah Risk Management and the District has determined that it has insurance coverage with respect to liabilities that may arise from rental of the bus to third persons or entities.

Amount of rent—

The amount of rent charged by the District shall be at least equal to the amount necessary for maintenance and to cover overhead and costs of renting the bus. In no event shall the District charge less for rent of buses than is charged by any commercial carrier for similar vehicles who are located and have a place of business within the District.

Bus driver—

If a District employee shall drive the bus for a private entity or association or private person, then that employee must sign a release acknowledging that he or she does not look to the District for compensation for such services and that such activities are not in the scope of employment with the District.

[Note: The District’s liability for incidents arising from unauthorized use of school buses or for non-school district purposes is not covered by state Risk Management. It may be prudent to contact state Risk Management to determine the risks assumed by the District when renting buses.]

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Transportation:
Operations:
District Vehicles

District vehicles used for designated purposes—

District-owned vehicles shall be held and used for designated purposes. For example, the designated purpose of a school bus is to transport children to and from school, and under the direction of an authorized District employee to transport children to and from school sponsored events such as field trips and travel to school extracurricular activities. An administrator or supervisor of a work assignment which includes the use of vehicles should designate in writing the scope of work for which a vehicle is required and thereafter the vehicle should not be used for any other purpose.

Use limited to approved drivers—

School vehicles should be driven only by drivers approved by the District. The District shall approve as drivers only those persons who have driving credentials issued by the State of Utah sufficient to operate the vehicle in the designated application and whose driving record meets district standards. Administrators or supervisors of work assignments which include the use of vehicles shall expressly assign drivers as needed to perform driving assignments.

Student operation prohibited—

Students, even students with operator licenses sufficient to operate a District vehicle under the laws of the state, shall not operate District vehicles.

Disqualification for poor driving record—

The District may disqualify an employee from operating District vehicles because of a poor driving record notwithstanding that the employee has state driving credentials in good standing.

Vehicles to be kept at District garages—

A District-owned vehicle should be parked at District garages after hours unless the designated purpose of the vehicle expressly authorizes the vehicle to be parked elsewhere or unless the designated purpose of the vehicle includes personal use by a District employee.

Approved part-time personal use of District vehicles—

A District-owned vehicle may be designated for part-time personal use by a District employee to whom it is assigned only with the consent of the Board. Personal use is use outside of regular operating hours for purposes unrelated to the operator's assignment in the District. Part-time personal use of a District vehicle is considered to be valuable and shall be accounted for by the District as additional

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compensation to the operator of the vehicle. Personal use does not include use as directed by the District by a District employee who maintains a District vehicle at that employee's residence at the request of the District in order to be able to respond quickly to emergencies within the District, not does it include parking a bus at a location selected by the District for convenience in reducing the travel distances or time en route needed to transport children to school.

Emergency use of District vehicles—

In an emergency, a District-owned vehicle may be used by law enforcement personnel or other persons for the purpose of saving life to the extent made necessary by exigent circumstances, but all reasonable efforts shall be made to comply with District policy governing vehicles and the operation of such vehicles and to protect District vehicles and other District property from harm.

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Transportation:
Operations:
Electronic and Telecommunications Devices

Prohibited Use of Electronic and Telecommunications Devices—

A school bus operator's primary responsibility, consistent with training and policy, is always the safety of passengers and the safety of the public.

While the school bus is in motion and not appropriately parked or secured, a school bus operator shall not use a cell phone, wireless electronic device, or any headset, earpiece, earphones or other equipment that might distract a school bus operator. (However, operators may use two-way radios or mounted GPS systems if done in a safe and appropriate manner.)

Utah Admin. Rules R277-601-3(1), (2)(a), (b) (August 12, 2021)

Permitted Use of Electronic and Telecommunications Devices—

After the bus is stopped and safely secured, a school bus operator may use an electronic device for emergencies, to assist special needs students, for behavior management, for appropriate assistance for field/activity trips, or for other issues related to the operator's work responsibilities.

Subject to other District policies regarding use of personal electronic devices, a school bus operator may use an electronic device for personal reasons after the school bus is stopped and safely secured if all passengers are safely off and at a safe distance from the bus.

Utah Admin. Rules R277-601-3(2)(d) (August 12, 2021)

Training and Documentation—

Each school bus operator shall be trained regarding the safe and appropriate use of two-way radios and fixed GPS devices and regarding the restrictions on use of electronic devices. Retraining or refresher training on these subjects shall be provided as needed and as determined by the Transportation Director. The District shall maintain documentation of all such training.

Utah Admin. Rules R277-601-3(2)(b), (c) (August 12, 2021)

Disciplinary Action for Violation—

Violation of the prohibitions regarding use of electronic devices by school bus operators may subject the violator to disciplinary action up to and including termination of employment. Violations of the prohibitions for emergency or compelling reasons may require documentation and will be considered on an individual basis by the District.

Utah Admin. Rules R277-601-3(3), (4) (August 12, 2021)

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Transportation:
Operations:
Post-Route Inspections

End of Route Inspections—

After completing each student delivery route, the school bus operator shall stop and park the bus and inspect the bus, including the entire length of the interior of the bus, to ensure that all students are off of the bus and to otherwise inspect the interior. When the operator is delivering students to school, this inspection shall if possible be completed at each school site. When the route is a from-school route, the operator shall perform this inspection at a safe location a short distance from where the final student or students left the bus.

Utah Code § 53G-7-220(1) (2021)
Utah Admin. Rules R277-601-3(6)(a) to (c) (August 12, 2021)
National School Transportation Specifications and Procedures p. 148 (May 2015)

Students Found During Inspection—

If a student is found on the bus, the student shall be immediately returned to the student's assigned bus stop location or to an alternate location consistent with District policy and with express permission from the parent.

Utah Admin. Rules R277-601-3(6)(d) (August 12, 2021)

Discipline for Failure to Complete Inspection—

A school bus operator who fails to complete an inspection required by this policy shall be subject to appropriate discipline for such failure.

Utah Code § 53G-7-220(2) (2021)

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Cash Receipts and Expenditures

Scope of Cash Receipts and Expenditures Policies—

These policies, guidelines, and procedures are applicable without exception to all funds owned or administered by the District. This policy applies to all District administration, licensed educators, staff, students, organizations, and individuals that handle cash receipts or accept payment in any form on behalf of the District or individual school or initiate, authorize, or process cash disbursements on behalf of the District or individual school. The scope includes all activities at the District and individual schools and in all locations where District activities and public funds are collected or expended. All expenditures of the District are to be consistent with applicable state and federal laws and regulations; any restrictions, rules, or regulations placed on the use of the funds by donors and granting agencies; and prudent management practices. It is expected that in all dealings, District employees will act in an ethical manner that is consistent with the District's code of ethics, the Utah Educators' Standards, the Public Officers' and Employees' Ethics Act, and State procurement law.

Utah Admin. Rules R277-113-5(9)(c) (November 8, 2021)

Segregation of Duties—

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

Definitions—

"Public funds" for purposes of this policy are defined as money, funds, and accounts, regardless of the source from which the funds are derived, that are owned, held, or administered by the state or any of its political subdivisions, including Districts or other public bodies.

Utah Code § 51-7-3(26) (2017)

Cash Receipts Policy—

All receipting of funds at the District and at schools should be done at the cashier's office. No receipting is to be done in other offices or in unapproved off-site locations. Employees shall instruct payers to take all cash, checks, and credit card transactions to the cashier for receipt. The District shall maintain surveillance systems in the cashier's office and any other location where cash is regularly received and shall retain the surveillance recordings for at least 60 days.

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Provisions should be made for cash receipting/collection at approved off-site activities or functions. Please refer to the Fundraising and Donation Policy. Funds may be receipted through the District's foundation, if applicable, in accordance with the foundation's cash receipts policy.

District employees, school employees, and volunteers associated with school-sponsored activities should not open bank accounts, outside of the control of the District, for the receipting or expending of public funds associated with school-sponsored activities. The business administrator or designee must approve all checking and savings accounts used in District or individual school business.

All funds shall be kept in a secure location controlled by the cashier until they can be deposited in a District-approved fiduciary institution. Funds should be deposited daily if practicable but no later than three banking days after receipt, in compliance with Utah Code § 51-4-2(2)(a), in a District-approved account. Employees should never hold funds in any location for any reason.

Utah Admin. Rules R277-113-5(9)(c)(ii) (November 8, 2021)

If the cashier has left for the day or funds are receipted on the weekends, administrators should be available to lock cash receipts or cash boxes in the District safe until next business day. Cash receipts should not be taken home by employees or volunteers or left in offices.

All checks should be made payable to the District or individual school and restrictively endorsed upon receipt. Checks should not be made payable to an employee, a specific department, or a program.

Appropriate internal controls and segregation of duties should be implemented for all cash activity. Cash should always be verified. Where verification is difficult, cash should be counted by two individuals. If a transaction needs to be voided or adjusted, that should be done by an individual who does not receive cash; if that is not possible because of a limited number of employees, then the voiding or adjustment must be documented in writing by two employees, including an explanation of the circumstances requiring the change.

All funds (cash, checks, credit card payments, etc.) received must be receipted and recorded in the District's accounting records. A pre-numbered receipt will be issued for each transaction. Passwords should be established on the accounting system computers and changed periodically.

Under no circumstances are disbursements to be made directly from cash receipts (i.e., for purchases, reimbursements, refunds, or to cash personal checks).

Periodic and unscheduled audits or reviews should be performed for all cash activity. Documents should be available and should demonstrate that proper cash controls are in place (signatures for approval, tally sheets, reconciliations, etc.).

All activities involving cash must be supervised by a District employee or authorized volunteer to ensure adequate controls are in place. Training should be given to those involved in handling cash.

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The District and all individual schools will comply with all applicable state and federal laws. All payments of fees shall correspond with the approved fee schedule, as required by Board Administrative Rule R277-407.

Cash Receipts Procedures—

The cashier should receipt all funds immediately (cash, checks, credit cards, etc.), provide customers with a pre-numbered receipt, and retain a duplicate copy in the daily receipt or register detail. The cashier's cash drawer should be locked and secured at all times.

Cash count sheets will be used for cash receipts at games and other school-sponsored activities after hours or off-site. These sheets will be completed by two individuals, signed by a member of administration on the day of the collection, and retained for verification in the daily receipt or register detail.

No collecting or receipting of funds is to be done in other offices or at unapproved offsite activities or functions. Employees should never hold funds in any location for any reason.

Mail should be opened in the presence of two or more employees by an individual independent of the cash receipt process, and funds received should be documented in a cash receipts log (any correspondence containing payments will be removed and processed prior to distributing mail to individual persons or departments).

Funds received shall be recorded in the District's accounting records. A daily deposit report shall be printed; reconciled to the actual deposit, the receipt book, and cash receipt log; and retained for verification by administration along with the copy of the deposit slip in the daily receipt or register detail.

The deposit shall be placed in a secured, locked location until it can be deposited in a District-approved fiduciary institution.

Funds should be deposited daily if practicable but no later than three banking days after receipt, in compliance with Utah Code § 51-4-2(2)(a), in an District-approved account. An employee independent of the cash receipting process shall verify that the daily deposit detail reconciles to the validated deposit slip.

Utah Admin. Rules R277-113-5(9)(c)(ii) (November 8, 2021)

Bank reconciliation(s) should be performed on all District-approved accounts on a monthly basis. Bank statements and bank reconciliations should be reviewed and approved by administration on a monthly basis.

The Board of Education or the District audit committee should review and approve the bank statements, the bank reconciliations, and monthly journal entries on a monthly basis.

Where applicable, each school's detailed activity budget vs. actual statements should be reviewed by program directors, coaches, teachers, etc. on a quarterly basis for accuracy and reasonableness.

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General Expenditure Policies—

Expenditure transactions must be approved by an individual having sufficient knowledge and authority to evaluate the transaction for reasonableness and appropriateness. The school or District shall designate employees by title or job descriptions that are authorized to approve various dollar amount levels of disbursements and instructed never to sign blank checks.

All expenditures made using cash, checks, credit/purchase cards, electronic fund transfers, etc. shall be recorded in the school or District's accounting records.

Passwords should be established on user access to the accounting system and changed periodically.

Checks should be made payable to specified payees and never to "cash" or "bearer."

All disbursement activity should be substantiated by supporting documents. Documents should be available and should demonstrate that proper disbursement controls are in place (signatures for approval, purchase orders, receipts, invoices, bids or quotes, reimbursement forms, travel forms, journal entries, reconciliations, etc.). Quotes shall contain the following information:

1. Date received or dates that the quoted price is valid, delivery date
2. Company name, address, salesperson
3. Each item, description or specifications, unit, total price, and quantity listed
4. Shipping and freight charges
5. Salesperson and contact information
6. Vendor, District employee name and position

Quotes may be obtained and documented by printing pages from a website; however, all of the quote elements must be documented. Better prices are usually obtained by contacting vendors directly. Telephone quotes must be documented and include all quote elements. Written quotes should be requested on the vendor's letterhead.

Bank and credit card statements should be reviewed and accounts reconciled in a timely manner. Activity accounts should be reviewed quarterly by the custodian of the activity.

All checks or check stock, credit/purchase cards, access to bank accounts and statements, etc. shall be secured and controlled by the accounting/front office with limited access. All disbursing of funds at the school or District should be done through the accounting/front office.

The school or District must comply with applicable District and state purchasing laws.

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1. Contracts must follow the guidelines outlined in the District's procurement policies and State Procurement Code, specifically regarding the length of multi-year contracts.
2. Construction and improvements must comply with the provisions of the District's procurement policies and the State Procurement Code (Utah Code § 63G-6a-101 et seq.), the Utah State Procurement Policy Board Rules, and Title IX.
3. Exclusive contracts must comply with the guidelines outlined in the State Procurement Code (Utah Code § 63G-6a-101 et seq.), the District's procurement policy, and the Utah Public Officers' and Employees' Ethics Act (Utah Code § 67-16-1 et seq.).
4. Purchases of goods or services with District funds for personal use or personal gain are strictly prohibited; see the Utah Public Officers' and Employees' Ethics Act (Utah Code § 67-16-1 et seq.).
5. Expenditures will follow the guidelines outlined in the District's procurement policies and the State Procurement Code (Utah Code § 63G-6a-101 et seq.) and federal purchasing laws.

General Expenditure Procedures—

The District has designated the State Procurement Code as its purchasing policy. Any purchases should be equitable for both male and female students and comply with Title IX.

If an outside entity reimburses employee expenses (meals, travel, etc.), these expenses should not be submitted to the District for reimbursement.

No disbursing of funds is to be done in other offices or at unapproved off-site activities or functions.

The District's tax exempt status number should only be used in conformity with the Utah State Tax Commission's guidelines.

Purchases of goods or services for personal use or personal benefit of any amount are strictly prohibited.

Contracts shall include (a) specific scope of work language, (b) federal contract requirements, (c) standard District terms or State of Utah terms, as appropriate, and (d) language regarding data privacy and use, as appropriate. Contracts shall be reviewed by District counsel as required by District policy or as determined by the District employee authorizing the expenditure.

Utah Admin. Rules R277-113-5(9)(d)(vi) (November 8, 2021)
Utah Admin. Rules R277-113-10(2) (November 8, 2021)

Review Process—

Bank reconciliation(s) should be performed on all District-approved accounts, including credit card transactions. If the bank reconciliation is completed by

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someone who has access to the accounting system and bank accounts, it should be reviewed and approved by another person, such as the principal or director, business administrator, or a member of the audit committee or board on a monthly basis.

Administration should review bank statements and bank reconciliations, as well as credit card statements, and document the review and approval. The District's audit committee or District management should ensure that monthly bank reconciliations and credit/purchase card statement reconciliations are occurring on a monthly basis.

A check register should be reviewed when signing checks to ensure all disbursements are reviewed and approved.

Administration or designated members of management shall review cash disbursements to verify that all District and State policies and procedures are being followed on a periodic basis.

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Cash Receipts and Expenditures:
Credit/Purchase Cards

Card users shall follow District and state purchasing policies and comply with the Utah State Tax Commission's guidelines regarding the District's tax exempt status number.

Purchases exceeding $1,000 made using the credit or purchase card should be pre-approved, using an expenditure authorization form, prior to making the purchase. A designated employee with oversight over the card user(s) should be responsible for providing authorization.

If a card is issued to the District as a whole, a log should be kept documenting which employee checked out the card and the period of time the card was checked out. Receipts shall be retained for all purchases and turned into the accounting/front office. Card reconciliations should be performed monthly to ensure all receipts are present and all purchases have been made in accordance with District and state policy.

If cards are assigned to specific employees, the card user shall retain all receipts for purchases made with public funds. The card user shall review and reconcile the card statement activity each month and attach all receipts to the card statement. The card user should sign their card statement certifying that all purchases have been made in accordance with District and state policy.

Administration (or designee) must review each card holder's statement, along with all receipts, for approval. Approval should be documented.

Individual expenditures made on purchase or credit cards shall be recorded in the school or District's accounting records according to approved NCES chart of accounts. The issuance of a check or an electronic funds transfer to pay the monthly card statement balance shall be documented and approved by administration prior to issuance.

Transaction, daily, or monthly limits will be established based on purchasing authority.

Administration or employees designated by the District will develop an internal review plan to periodically select credit/purchase card statements to verify that District policies and procedures are being followed and that purchases are appropriate, documented, and coded to the proper funding sources.

All credit/purchase cards shall be kept secured and controlled by the accounting/front office with limited access. PIN numbers should be kept secured.

If the card is lost or stolen, immediately contact the appropriate authority.

ATM transactions, cash advances, or personal use are strictly prohibited.

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Violation of purchase card policy, including not retaining documentation of purchases or making personal purchases, may result in card cancellation, disciplinary action, and/or criminal prosecution.

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Cash Receipts and Expenditures:
Travel

Mileage—

Mileage reimbursements forms must be completed by employees within 45 days of return from travel. The form must include the dates and purpose of travel, destination(s), time of departure and return, and mileage.

A travel authorization form must be completed prior to registration for conferences and events and approved by the employees' immediate supervisor. The form must include the dates and purpose of travel, destination, estimate of travel cost, lodging and per diem costs. Supporting documentation is required for each traveler. Each traveler must complete an authorization form. Authorizations must be approved prior to purchase or booking of any travel arrangements. In-state travel must be approved by the employee's immediate supervisor. An administrator or board employee's immediate supervisor may be the superintendent or board chair.

Out-of-state travel must be approved by the immediate supervisor and applicable administrator. An administrator or board employee's immediate supervisor may be the superintendent or board chair.

Travel Reimbursement—

A travel reimbursement form must be completed within 30 days of return from travel.

Lodging, airfare, taxi, parking, or other transportation and baggage fees paid by the employee require receipts to be reimbursed. Expenditures not supported by receipts will not be reimbursed, unless expressly approved by the supervisor in extraordinary circumstances. Per diem reimbursement requests must be included on the travel reimbursement form or on a completed mileage log. Conference agendas, completed mileage logs, or other documentation supporting times of departure and return are required for per diem meal reimbursements (see state travel per diem schedule). It is the policy of the District to reimburse food on a per diem rate rather than by actual costs.

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Cash Receipts and Expenditures:
Reimbursement Requests

Employees seeking reimbursement for District expenditures made with employee funds must complete a reimbursement request form, which is signed by the requestor and approved by the employee's immediate supervisor. An administrator's or board employee's immediate supervisor may be the superintendent or board chair.

Supporting documentation, including detailed receipts and justification for departure from the standard purchase order process, is required. Authorization must be documented by the immediate supervisor.

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Cash Receipts and Expenditures:
Purchase Orders

An expenditure authorization form (purchase order or requisition) is required for all purchases. Employees initiating an expenditure shall complete the authorization form, including documentation of any required quotes, before a purchase is initiated. The completed form and documentation shall be submitted to the immediate supervisor or designated business officer for the department.

The designated business officer for the department will review completed expenditure authorization forms and any supporting quotes and approve the purchase. This approval signature is required prior to the initiation of a purchase.

Shipment of goods should be addressed and delivered to the District.

Invoices and complete packing slips should be initiated by the receiver of the goods, indicating that all goods were received and that payment should be processed.

The accounting/front office shall compare invoices and packing slips to the expenditure authorization form prior to processing payment (see District Policy CKE: Issuance of Checks).

Administration should review bank statements and bank reconciliations, as well as credit card statements, and document the review and approval. The District's audit committee or District management should ensure that monthly bank reconciliations and credit/purchase card statement reconciliations are occurring on a monthly basis.

A check register should be reviewed when signing checks to ensure all disbursements are reviewed and approved.

Administration or designated members of management shall review cash disbursements to verify that all District and State policies and procedures are being followed on a periodic basis.

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Cash Receipts and Expenditures:
Issuance of Checks

All checks, check stock, access to bank accounts, and bank statements shall be kept secured and controlled by the accounting/front office with limited access. Passwords should be kept secured and changed periodically.

An employee who does not have the ability to issue checks shall review the issued check and accompanying supporting documentation to ensure all policies and procedures are followed prior to signing the check.

Each disbursement shall be substantiated with supporting documentation, such as a purchase order, invoice, receipts, quotes (according to the procurement policy above), reimbursement forms, shipping documents, contracts, travel forms, etc. All expenditures shall be recorded in the District's accounting records using the NCES chart of accounts, or under the District's roll-up process to convert to the NCES chart of accounts.

Signature stamps should not be utilized, and blank checks or checks made payable to "cash" or "bearer" should never be signed.

Endorsed checks should be mailed by an employee outside of the cash disbursement process, if possible.

It may be necessary to void a check. If this occurs, the word "VOID" should be written on the check, and the actual check shall be retained.

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Cash Receipts and Expenditures:
Journal Entries and Electronic Fund Transfers

All electronic fund transfers and journal entries shall be kept secured and controlled by the accounting/front office with limited access. Passwords should be kept secured and changed periodically.

Each journal entry or electronic fund transfer should be substantiated by supporting documentation.

Each journal entry or electronic fund transfer should be recorded in the District's accounting records.

Administration or an individual without cash disbursement duties shall document approval of journal entries or electronic fund transfers.

The District's audit committee or designee should review and approve the journal entries and electronic fund transfers on a monthly basis.

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Employment Objectives:
Nondiscrimination

General Nondiscrimination—

The District shall not, because of an individual's race; color; sex; pregnancy, childbirth or pregnancy-related conditions; age, if the individual is 40 years of age or older; religion; national origin; disability or handicap; sexual orientation; or gender identity:

1. Discharge, demote, terminate, retaliate against, harass, or refuse to hire or to promote any otherwise qualified individual; or,
2. Discriminate against an otherwise qualified individual with respect to compensation or in terms, privileges, and conditions of employment.

Utah Code § 34a-5-106(1)(a)(i) (2016)

District Policy—

The Board of Education of the _____ School District does not discriminate on the basis of sex in its programs and activities and is required by Title IX and 34 CFR Part 106 not to discriminate on the basis of sex, including but not limited to such discrimination in employment and in admission.

Notice of this policy shall be given to all applicants for employment, to all employees, and to all employee associations and shall be included in any employee handbooks. Questions about rights under Title IX and about the application of Title IX to the District can be directed to the Title IX Coordinator identified in this policy or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

34 CFR § 106.8(b)(1)
20 U.S.C. § 1701-21

The District encourages all victims of sex discrimination and persons with knowledge of sex discrimination to immediately report that to the Title IX Coordinator or an administrator. All complainants have the right to be free from retaliation of any kind. Complaints relating to sexual harassment (one form of sex discrimination) are addressed under Policy DKB and Policy FHAB. Complaints regarding other types of sex discrimination may be addressed through the grievance procedures set out in Policy DHC (for employees) and Policy FGE (for students).

34 CFR § 106.8(c)

Otherwise Qualified—

An individual is not considered "otherwise qualified" unless the individual has the education; training; ability, with and without reasonable accommodation; moral character; integrity; disposition to work; adherence to reasonable rules and

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regulations; and other job-related qualifications required by the District for the particular job, job classification, or position.

Utah Code § 34a-5-106(1)(a)(ii) (2016)

Nursing Mothers in the Workplace—

The District may not refuse to hire, promote, discharge, demote, or terminate an individual, or may not retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against an individual otherwise qualified because the individual breastfeeds or expresses milk in the workplace.

Utah Code § 34-49-204 (2015)

Title IX Coordinator—

The District shall designate one or more employees to serve as Title IX Coordinator. The Title IX Coordinator is responsible and has authority to coordinate the District's compliance with Title IX, including but not limited to responding to complaints of sex discrimination. The designated Title IX Coordinator for the District is: _____. The contact information for the Title IX Coordinator is:

Name_____ Title/Position_____

Mailing Address_____

Office Email _____ Telephone_____

Reports about any form of sex discrimination (including sexual harassment) may be made to the Title IX Coordinator by any person (whether or not the discrimination was directed at that person) using any of the contact methods listed above or by any other means and at any time (including during non-business hours).

34 CFR § 106.8(a)

Retaliation Prohibited—

It is prohibited to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing relating to any type of sex discrimination. Prohibited retaliation includes acting with the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy by intimidation, threats, coercion, or discrimination. If brought for the purpose of interfering with these rights, prohibited retaliation includes charges against an individual for violations that do not involve sex discrimination but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment. Reports of retaliation should be made to the Title IX Coordinator designated in this policy. Complaints regarding retaliation against a student may be raised under Policy FGE or as applicable under

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Policy FGAD or regarding retaliation against an employee under Policy DHC or as applicable under Policy DLA or Policy DLB.

34 CFR § 106.71(a)

Confidentiality—

Except to the extent required to appropriately respond to complaints of sex discrimination, or as required by law, the District shall keep confidential the identity of (a) any individual who reports or complains of sex discrimination (including filing a formal complaint), (b) any individual reported to have perpetrated sex discrimination, and (c) any witness regarding sex discrimination. Except to the extent that maintaining confidentiality would impair the District's ability to provide supportive measures, the District shall keep confidential any supportive measures provided to a complainant or accused individual. (In appropriately responding to complaints of sex discrimination, the District may need to disclose the identity of individuals for purposes of an appropriate investigation and following the grievance process or for purposes of appropriate supportive measures.) Disclosure is also allowed to the extent permitted by FERPA and its implementing regulations.

34 CFR § 106.71(a)
34 CFR § 106.30(a)

Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate authorities and the confidentiality of the information will be maintained as required by Utah Code § 80-2-1005. (See Policy DDA.)

Utah Code § 80-2-602 (2022)
Utah Code § 80-2-1005 (2022)

Disability—

No otherwise qualified person with a disability shall, solely on the basis of disability, be subject to discrimination in employment in any of the District's operations so long as any part of its programs and activities receive federal financial assistance.

29 U.S.C. § 794

Definitions—

"Handicapped person" means any person who has a record of, is regarded as having, or has a physical or mental impairment that substantially limits one or more of life's major activities. A "qualified handicapped person" is a handicapped person who can perform the essential functions of the position in question, with or without reasonable accommodation. Employees or prospective employees have the responsibility of notifying the District personnel office of the need for reasonable accommodations on account of a disability.

29 U.S.C. § 705(20)
34 CFR § 104.3(j)(1), (l)(1)

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"Has a record of such an impairment" means has a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

34 CFR § 104.3(j)(2)(iii)

"Regarded as having an impairment" means:

1. Has a physical or mental impairment that does not substantially limit major life activities but that is treated by the District as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such impairment; or
3. Has no physical or mental impairment but is treated by the District as having such an impairment.

34 CFR § 104.3(j)(2)(iv)

"Physical or mental impairment" means:

1. Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; endocrine; or
2. Any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

34 CFR § 104.3(j)(2)(i)

"Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

34 CFR § 104.3(j)(2)(ii)

Exceptions—

The following are not included in the definition of an "individual with a disability" or "handicapped person":

1. A person who is currently using illegal drugs when the District is acting on the basis of that use.
2. A person who is an alcoholic whose current use of alcohol prevents the person from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to the property or safety of others.
3. A person who has a currently contagious disease or infection and who therefore would constitute a direct threat to the health or safety of other individuals, or who therefore is unable to perform the duties of the job.

29 U.S.C. § 705(20)(C)(i), (v), (D)

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Section 504 Coordinator—

The District will designate at least one person to coordinate its efforts to comply with Section 504 of the Vocational Rehabilitation Act of 1973 and its implementing regulations.

34 CFR § 104.7(a)

Notification—

The District will take appropriate continuing steps to notify applicants and employees that it does not discriminate on the basis of disability in violation of Section 504 of the Vocational Rehabilitation Act of 1973 and its implementing regulations. The notification shall include identification of the designated coordinator, which may be in the following form:

The District designates the following person to coordinate its efforts to comply with Section 504 of the Vocational Rehabilitation Act of 1973:

Name_____ Position_____

Office Address_____

Office Email _____ Telephone_____

34 CFR § 104.7(a)

Residence—

The Board shall not require an employee to reside within the District as a condition of employment.

Utah Code § 53G-4-408 (2018)

Duty to Report—

If any employee of the District knows of or has reason to believe that another employee is being harassed at the workplace by others on the grounds of race; color; sex; pregnancy, childbirth or pregnancy-related conditions; age, if the individual is 40 years of age or older; religion; national origin; disability or handicap; sexual orientation; or gender identity, then the employee must promptly report such harassment to the Board. The report shall be made confidentially and the Board shall maintain the confidence of any report of such harassment.

Penalties for Engaging in Harassment—

Within the discretion of the Board, any employee may be terminated for cause, suspended with or without pay or placed on probation for engaging in any form of harassment of another employee on the grounds of race; color; sex; pregnancy, childbirth or pregnancy-related conditions; age, if the individual is 40 years of age or older; religion; national origin; disability or handicap; sexual orientation; or gender identity.

Baker v. Weyerhaeuser Co., 903 F.2d 1342 (10th Cir. 1990)

Dissemination of Policy—

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Notice of this policy and of the name and contact information of the Title IX Coordinator shall be provided to applicants for employment or for admission, employees, employee associations, students, and parents of students. The contact information for the Title IX Coordinator shall be prominently displayed on the District's website and in employment application materials and student admission materials. In addition, a copy of this policy shall be published on the District website and included in employment application materials, in student admission materials, in materials provided to employees, and in student handbooks. A copy of this policy shall also be provided to the appropriate officer of each employee association.

34 CFR § 106.8(b)(2), (c)

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Employment:
Licensure

Personnel Credentials General—

Personnel shall possess and maintain valid credentials, including required licensure and certification, before contracts are issued, duties are assigned, or payment is made from any source of funds. Any such failure will render a contract with the Board void.

Certified Employees General—

Unless an express exception exists under law or under the rules of the Utah State Board of Education, to be employed in the District in a capacity covered by the following license areas of concentration, a person shall hold a valid license issued by the Utah State Board of Education in the respective license areas of concentration:

1. Early Childhood;
2. Elementary;
3. Secondary;
4. School Leadership;
5. Career and Technical Education or “CTE”;
6. School Counselor;
7. School Psychologist;
8. Special Education;
9. Preschool Special Education;
10. Deaf Education;
11. Speech-Language Pathologist;
12. Speech-Language Technician;
13. School Social Worker; and
14. Audiologist.

Utah Admin. Rules R277-301-2(7)(a) (June 7, 2022)
Utah Admin. Rules R277-301-3(3) (June 7, 2022)

An “eminence” designation granted by the State Superintendent for an individual with a District-specific license, license area, or endorsement can satisfy the licensing requirement for employees whose instructional load is no more than 37% of a teacher’s regular instructional load.

Utah Admin. Rules R277-301-8 (June 7, 2022)

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The employee shall have all endorsements required by the State Board of Education for the employee's position.

Utah Admin. Rules R277-309-3 (August 12, 2021)
Utah Admin. Rules R277-309-4 (August 12, 2021)
Utah Admin. Rules R277-311-3 (January 8, 2021)
Utah Admin. Rules R277-311-4 (January 8, 2021)

Health Care Providers—

School health care providers, including physicians and nurses, shall maintain appropriate licensure from the State of Utah.

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Employment:
Paraprofessional Qualifications

Definitions—

"Paraprofessional" or "paraeducator" means a school employee who delivers instruction under the direct supervision of a teacher.

Utah Admin. Rules R277-324-2(3) (November 8, 2021)
Utah Code § 53F-2-411(1)(b) (2019)

Appropriate Assignments or Duties for Paraprofessionals—

A paraprofessional may:

1. Upon completion of explicit training from appropriately licensed teachers or related service providers, provide individual or small group instructional assistance or tutoring to students as designed by an appropriately licensed teacher or related service provider during times when students would not otherwise receive instruction from an appropriately licensed teacher or related service provider;
2. Assist with classroom organization and management, such as organizing instructional or other materials;
3. Provide assistance with supplementary aids and services, program modifications, and support, such as assistive technology devices and services;
4. Conduct parental involvement activities;
5. Provide support in library or media centers; or
6. Provide supervision for students in non-instructional settings.

A paraprofessional may not:

1. be responsible for selecting or administering formal diagnostic or psychological instruments or for interpreting the results of those instruments if the paraprofessional's training, licensure, or other forms of certification do not align with the administration and interpretation requirements stated in an instrument's technical manual;
2. be responsible for selecting programming or prescribing educational activities or materials for the students without the supervision and guidance of an appropriately licensed teacher or related service provider;
3. be solely responsible for designing lesson plans;
4. be assigned to implement elements of an IEP for a student with disabilities without direct training, supervision, and involvement from an appropriately licensed teacher or related service provider;

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5. be employed to fulfill the responsibilities that may only be provided by an appropriately licensed and otherwise qualified teacher or related service provider; or
6. perform nursing procedures or administer medications without appropriate supervision and training from an appropriately licensed health care professional.

Utah Admin. Rules R277-324-4 (November 8, 2021)

Supervision and Training of Paraprofessionals—

A licensed teacher shall:

1. prepare a lesson and plan the instruction support activities to be carried out by a paraprofessional;
2. evaluate the achievement of the students with whom a paraprofessional works; and
3. provide the supervision and support to the paraprofessional that the teacher deems appropriate for the paraprofessional to work effectively in the paraprofessional's role and responsibilities.

Utah Admin. Rules R277-324-4(3) (November 8, 2021)

All paraprofessionals employed by the District shall complete appropriate training. Paraprofessionals who are acting in an instructional capacity shall complete appropriate training so as to be able to meet the Utah Standards for Instructional Paraeducators. Each paraprofessional who works with any student with a disability shall complete the training required by Section IX.E. of the Utah State Board of Education Special Education Rules. The District shall maintain documentation of completion of required paraprofessional training.

Utah Admin. Rules R277-324-4(4), (5) (November 8, 2021)
Utah Standards for Instructional Paraeducators
Utah State Board of Education Special Education Rules

Requirements for Paraprofessionals in Title I Programs—

A paraprofessional who works in Title I schoolwide and targeted assistance programs supported by Title I funding and who was hired before January 6, 2002 must be a high school graduate or equivalent and must meet one of the following requirements:

1. Complete at least two years, or a minimum of 48 semester hours, at an accredited higher education institution;
2. Obtain an associates (or higher) degree from an accredited higher education institution;
3. Satisfy a rigorous state assessment, approved by the State Board of Education or the Board of Education, that demonstrates:

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a. Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics, or

b. Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

A paraprofessional who works in Title I schoolwide and targeted assistance programs supported by Title I funding and who was hired after January 6, 2002 must be a high school graduate or equivalent and must meet at least one of the following requirements:

1. Complete at least two years, or a minimum of 48 semester hours, at an accredited higher education institution;
2. Obtain an associates (or higher) degree from an accredited higher education institution; or
3. Satisfy a rigorous state or local assessment about the individual's knowledge of an ability to assist students in core courses under state or federal law.

Utah Admin. Rules R277-324-5(1), (2) (November 8, 2021)

The foregoing requirements do not apply to a paraprofessional with a high school diploma or equivalent who solely provides:

1. Support through translator services;
2. Support as a parent engagement liaison; or
3. Personal care for students with disabilities.

Utah Admin. Rules R277-324-6 (November 8, 2021)

Background Check—

Each paraprofessional shall pass a criminal background check as provided for under Policy DAC.

Utah Admin. Rules R277-324-5(3) (November 8, 2021)

Responsibilities Relating to State Paraeducator Funding—

Paraeducators hired with paraeducator funding from the State Board of Education shall meet the qualifications relating to Title I funding above and provide additional aid in the classroom to assist students in achieving academic success.

Utah Admin. Rules R277-324-9 (November 8, 2021)

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Employment:
Background Checks

Definitions—

A "licensed employee" is one who holds a current Utah educator license issued by the State Board of Education.

A "non-licensed employee" is one who does not hold a current Utah educator license issued by the State Board of Education.

A "qualifying volunteer" is a volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment. For purposes of this policy, "qualifying volunteer" does not include an officer or employee of a cooperating employer which has an internship safety agreement with the District as provided in Policy EDH.

A "contract employee" is an employee of a staffing service or other entity who works at a District school under a contract.

"Personal identifying information" means an individual's current name, former names, nicknames and aliases; date of birth; address; telephone number; driver license number or other government-issued identification number; Social Security number; and fingerprints.

Utah Code § 53G-11-401(3), (6), (7) (2019)
Utah Code § 53G-11-402(1)(a)(iii) (2020)
Utah Admin. Rules R277-316-2(5), (8), (9), (11) (February 7, 2020)

Required Employment Reference Checks—

In addition to satisfying the requirements of this policy, the District shall also conduct such employment reference checks as are required by Policy DJ, Employee References and Letters of Recommendation.

Application Notice and Waiver Regarding Background Checks—

At the time a prospective employee or qualifying volunteer applies for employment or service with the District, such prospective employee or qualifying volunteer shall fill out an application providing the following warning:

> *"All references stated in this application will be checked by the School District and it is the policy of this School District that false information will be grounds for rejecting your application with no further consideration for the position; or, if such false information is discovered after hire, you will be subject to immediate termination for cause. Any false information may also be the grounds for criminal prosecution."*

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All employees, qualifying volunteers, and contract employees seeking employment with the District or service in a District school and who are 18 years of age or older shall sign a written consent, release, waiver, and authorization which authorizes the District to request information from the individual's past employers and supervisors. The consent, release, waiver, and authorization shall also authorize the District to contact any applicable licensing agency and former employers to obtain a background check, including a reference check, and to conduct a background search into the employee's criminal record, if any, or any other background check as the District deems necessary to satisfy itself of the quality and competence of the individual's credentials including submitting personal identifying information to the Bureau of Criminal Identification within the Department of Public Safety and retaining the personal identifying information for ongoing monitoring. (Model release forms are included at the end of this policy.)

Utah Code § 53G-11-402(1)(a) (2020)
Utah Code § 53-10-108(13)(b)(ii) (2022)

Criminal Background Check and Monitoring for Licensed Employees—

All persons seeking a licensed employee position with the District shall provide their educator licensing information with their application for employment.

Prior to employing an individual as a licensed employee, the District shall confirm the individual's license status and standing with the State Board of Education, including inquiring regarding any prior or pending disciplinary actions or complaints.

Upon employing an individual as a licensed employee, the District shall request that the State Board of Education provide notification to the District of any changes or updates received by the State Board through its ongoing monitoring of the individual's criminal history and background.

Criminal Background Check for Non-Licensed Employees and Volunteers—

All non-licensed employees, qualifying volunteers, and contract employees seeking employment with the District or service in a District school and who are subject to the background check requirement shall provide their personal identifying information with their application. "Non-licensed employees" includes substitute teachers who are not licensed by the State Board of Education.

Utah Code § 53G-11-402(1)(b) (2020)
Utah Code § 53E-6-901(2) (2018)
Utah Admin. Rules R277-316-3(1)(a) (February 7, 2020)

The District shall obtain consent from each applicant who is subject to the background check requirement and who is seeking employment as a non-licensed employee or service as a qualifying volunteer or contract employee for (1) an initial fingerprint-based background check by the FBI and Bureau of Criminal Identification and (2) the retention of personal identifying information and ongoing monitoring by the Bureau of Criminal Identification. (A model consent form is included at the end of this policy.)

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Utah Code § 53G-11-402(1)(b)(iii) (2020)

Prior to employing a non-licensed employee or permitting a contract employee or qualifying volunteer to provide service in a District school, the District shall require the individual to undergo a background check. (This requirement does not apply if the individual is younger than 18 years old.) The District shall submit the individual's personal identifying information, including fingerprints, to the Bureau of Criminal Identification for this background check.

Utah Code § 53G-11-402(1)(a), (c) (2020)
Utah Admin. Rules R277-316-3(1)(a) (February 7, 2020)

Upon employing a non-licensed employee or permitting a contract employee or qualifying volunteer to provide service in a District school, the District shall request ongoing monitoring of the individual through the Bureau of Criminal Identification unless the individual is younger than 18 years old.

Utah Code § 53G-11-402(1)(c)(ii) (2020)
Utah Admin. Rules R277-316-3(1)(a) (February 7, 2020)

In the discretion of the Superintendent or the Superintendent's appointee, if the employment or service is to be temporary or for a very short term, the non-licensed employee, contract employee, or qualifying volunteer may be exempted from ongoing monitoring.

Utah Code § 53G-11-402(5) (2020)

With respect to applications submitted by prospective non-licensed employees, contract employees, or qualifying volunteers, the District will pay the cost of an applicant's background check, except that if the following are true, the District will require an applicant to pay the costs of the background check as a condition for consideration for employment or service:

1. The applicant has passed an initial review; and
2. The application is one of a pool of no more than five candidates for a position.

Utah Code § 53G-11-402(2) (2020)

Use of Criminal History and Background Check Information—

In making decisions in reliance on criminal history information, the District shall consider rules established by the State Board of Education and

1. any convictions, including pleas in abeyance;
2. any matters involving a felony; and
3. any matters involving an alleged:
   a. sexual offense;
   b. class A misdemeanor drug offense;
   c. offense against the person under Title 76, Chapter 5, Offenses Against the Individual;

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d. class A misdemeanor property offense that is alleged to have occurred within the previous three years; and

e. any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years.

Utah Code § 53G-11-405(3) (2022)
Utah Code § 53G-11-402(4) (2020)

Information obtained pursuant to a criminal background check is confidential and may only be disclosed as provided herein.

Due Process—

If the District disqualifies an applicant as a result of criminal history obtained from a background check, the District shall give the individual written notice of the disqualification and of the individual's right to request a review of the disqualification.

Utah Code § 53G-11-405(1)(c) (2022)

An individual disqualified by the District as a result of a background check may request a review of the information received by the District through the background check and of the reasons for the disqualification and may respond to the information and the reasons for disqualification. The District shall, consistent with the requirements of Utah Code § 53-10-108, allow the individual to review the criminal history information received by the District.

Utah Code § 53G-11-405(1)(a), (b) (2022)

Privacy Risk Mitigation: Discontinuing Monitoring—

Upon termination of District employment of a licensed employee (whether by retirement, resignation, termination with or without cause, non-renewal, or any other reason), the District shall by written notice to the Utah State Board of Education request that the State Board cease to notify the District of information received by the State Board through its ongoing monitoring of the individual's criminal history and background.

Utah Code § 53G-11-402(1)(d) (2020)
Utah Code § 53-10-108(13)(b)(iii) (2022)

Upon termination of District employment or service of a non-licensed employee, contract employee, or qualifying volunteer (whether by retirement, resignation, termination with or without cause, non-renewal, or any other reason), the District shall by written notice to the Bureau of Criminal Identification request that the Bureau discontinue its ongoing monitoring of the individual's criminal history and background and notices to the District regarding changes to criminal history and background.

Utah Code § 53G-11-402(1)(d) (2020)
Utah Code § 53-10-108(13)(b)(iii) (2022)

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Utah Admin. Rules R277-316-3(1)(b) (February 7, 2020)

Updating Information for Existing Employees—

By September 1, 2018, the District shall, for each non-licensed employee and qualifying volunteer to whom the background check requirement would apply if they were beginning service with the District, collect that individual's personal identifying information and submit that information to the Bureau of Criminal Identification.

Utah Code § 53G-11-402(3) (2020)

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Disclosure and Consent for Employment / Reference Checks and Release of Liability (Licensed)

I understand that previous employment and my submitted references may be checked by the District. I affirm by my signature that (1) I have disclosed the employer for every prior paid position I have held where my job responsibilities included directly caring for, supervising, controlling, or having custody of anyone under 18 years of age; (2) I consent to past and present employer(s) and references disclosing to the District any and all information, including disciplinary records, which may be pertinent to my employment, and that such information includes, but is not limited to, all information relating to any employment action or discipline imposed for abuse of any child or student; and (3) I understand that if I am hired, any information obtained or maintained by the District may be disclosed to any future subsequent potential employer of mine who contacts the District for an employment or reference check.

I hereby waive any right to see any written material(s) submitted to the District in response to the above inquiries or notes of oral communication relative to such inquiries. I understand that if I am hired by the District any information received in response to the above inquiries is placed in my personnel file, and I may be denied the right to inspect such material(s).

By signing below, I agree to release the District from any action for damages relating to the District's refusal to hire me as a result of information obtained during a reference or background check. I agree to release the District from any action for damages relating to information disclosed by the District to any future subsequent potential employer of mine who contacts the District for an employment or reference check.

I understand that providing false information to the District as part of the application process will be grounds for rejecting an application with no further consideration for the position; or, if such false information is discovered after hire, I will be subject to immediate termination for cause. Any false information may also be the grounds for criminal prosecution. I agree to release the District from any cause of action for damages as a result of the District's termination of my employment as a result of falsifying any information included in this application.

Signature_____ Date_____

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Disclosure and Consent for Employment / Reference Checks and Release of Liability (Non-Licensed)

I understand and acknowledge that: (1) in considering my application for employment, _____ School District ("the District") is legally required to obtain a nationwide (FBI) criminal background check and (if I am hired) ongoing criminal history monitoring while I work for the District; (2) information provided to the District (including fingerprints) will be used for this purpose; (3) the background check process must meet the requirements of Utah Code § 53-10-108(4); (4) procedures for obtaining a change, correction, or updating your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34; (5) I have received (on the fingerprint card form) the FBI Privacy Act Statement and have received the FBI Noncriminal Justice Applicant's Privacy Rights; (6) the background check results will be used to decide whether to employ me and will only be provided to those investigating or involved in the hiring process; (7) I may obtain my criminal history information from the Utah Bureau of Criminal Identification; and (8) if my application is rejected based on criminal background information I will be given written notice of the disqualifying reasons and of the right to request review of the disqualification. My signature affirms this acknowledgment and my consent to the District obtaining the initial check and ongoing monitoring while I work for the District.

I understand that previous employment and my submitted references may be checked by the District. I affirm by my signature that (1) I have disclosed the employer for every prior paid position I have held where my job responsibilities included directly caring for, supervising, controlling, or having custody of anyone under 18 years of age; (2) I consent to past and present employer(s) and references disclosing to the District any and all information, including disciplinary records, which may be pertinent to my employment, and that such information includes, but is not limited to, all information relating to any employment action or discipline imposed for abuse of any child or student; (3) I understand that if I am hired, any information obtained or maintained by the District **except for** criminal background check information may be disclosed to any future subsequent potential employer of mine who contacts the District for an employment or reference check.

I hereby waive any right to see any written material(s) submitted to the District in response to the above inquiries or notes of oral communication relative to such inquiries, **except** criminal background information, which I may obtain from the Bureau of Criminal Identification. I understand that if I am hired by the District any information received in response to the above inquiries is placed in my personnel file, and I may be denied the right to inspect such material(s).

By signing below, I agree to release the District from any action for damages relating to the District's refusal to hire me as a result of information obtained during a reference or background check. I agree to release the District from any action for damages relating to information disclosed by the District to any future subsequent potential employer of mine who contacts the District for an employment or reference check

I understand that providing false information to the District as part of the application process will be grounds for rejecting an application with no further consideration for the position; or, if such false information is discovered after hire, I will be subject to immediate termination for cause. Any false information may also be the grounds for criminal prosecution. I agree to release the District from any cause of action for damages as a result of the District's termination of my employment as a result of falsifying any information included in this application.

Signature_____ Date_____

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Disclosure and Consent for Employment / Reference Checks and Release of Liability (Volunteer)

I understand and acknowledge that: (1) in considering my application to volunteer with _____ School District ("the District"), the District is legally required to obtain a nationwide (FBI) criminal background check and (if I am given certain assignments) ongoing criminal history monitoring while I serve in the District; (2) information provided to the District (including fingerprints) will be used for this purpose; (3) the background check process must meet the requirements of Utah Code § 53-10-108(4); (4) procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34; (5) I have received (on the fingerprint card form) the FBI Privacy Act Statement and have received the FBI Noncriminal Justice Applicant's Privacy Rights; (6) the background check results will be used to decide whether to give me certain assignments and will only be provided to those investigating or involved in the assignment process; (7) I may obtain my criminal history information from the Utah Bureau of Criminal Identification; and (8) if my application is rejected based on criminal background information I will be given written notice of the disqualifying reasons and of the right to request review of the disqualification. My signature affirms this acknowledgment and my consent to the District obtaining the initial check and ongoing monitoring while I serve in the District.

I understand that previous employment and my submitted references may be checked by the District. I affirm by my signature that (1) I have disclosed the employer for every prior paid position I have held within the prior three years where my job responsibilities included directly caring for, supervising, controlling, or having custody of anyone under 18 years of age; and (2) I consent to past and present employer(s) and references disclosing to the District any and all information, including disciplinary records, which may be pertinent to my application, and that such information includes, but is not limited to, all information relating to any employment action or discipline imposed for abuse of any child or student.

I hereby waive any right to see any written material(s) submitted to the District in response to the above inquiries or notes of oral communication relative to such inquiries, **except** criminal background information, which I may obtain from the Bureau of Criminal Identification. I understand that if I am accepted by the District any information received in response to the above inquiries is placed in my service file, and I may be denied the right to inspect such material(s).

By signing below, I agree to release the District from any action for damages relating to the District's refusal to accept me as a result of information obtained during a reference or background check. I agree to release the District from any action for damages relating to information disclosed by the District to any future subsequent potential employer of mine who contacts the District for a reference check

I understand that providing false information to the District as part of the application process will be grounds for rejecting an application with no further consideration for the position; or, if such false information is discovered after hire, I will be subject to immediate dismissal. Any false information may also be the grounds for criminal prosecution. I agree to release the District from any cause of action for damages as a result of the District dismissing me as a result of falsifying any information included in this application.

Signature_____ Date_____

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Employment:
Personal Reporting of Arrests and Convictions

Employee's Duty to Personally Report Arrests and Convictions—

An employee who is arrested, cited, or charged for the following alleged offenses shall report the arrest, citation, or charge within 48 hours or as soon as possible to the District's Superintendent or designee:

1. any matters involving an alleged sex offense;
2. any matters involving an alleged drug-related offense;
3. any matters involving an alleged alcohol-related offense;
4. any matters involving an alleged offense against the person under Utah Code Title 76, Chapter 5, Offenses Against the Person;
5. any matters involving an alleged felony offense under Utah Code Title 76, Chapter 6, Offenses Against Property;
6. any matters involving an alleged crime of domestic violence under Utah Code Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and
7. any matters involving an alleged crime under federal law or another state's law comparable to any of the alleged crimes listed above.

An employee shall report any felony or misdemeanor convictions, including pleas in abeyance and diversion agreements within 48 hours or as soon as possible upon receipt of notice of the conviction, plea in abeyance or diversion agreement.

After receiving arrest information about the employee, the Superintendent or designee shall review the arrest information and assess the employment status considering the employee's assignment. The employment status of licensed educators shall be evaluated in light of the Utah Educator Standards, Utah Code § 53E-6-604, and District policy. An employee shall be immediately suspended from student supervision responsibilities for alleged sex offenses and other alleged offenses that may endanger students during the period of investigation. An employee shall be immediately suspended from any duties that require the employee to transport students or operate or maintain a District vehicle for alleged offenses involving drugs or alcohol during the period of investigation.

The employee shall report for work following the arrest unless directed not to report for work by the District, consistent with District policy.

Failure to report any arrest or conviction pursuant to this policy may result in disciplinary action, up to, and including, termination.

Documents and records related to an employee's arrest and/or conviction, plea in abeyance, or diversion agreements, as well as final administrative determinations and actions following investigation, shall be maintained for a

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minimum of two (2) years following termination of employment with the District and require protection of confidential employment information.

Any district volunteer who has or may be given significant unsupervised access to children in connection with the volunteer's assignment for the District shall be considered an "employee" for purposes of the requirements of this policy.

Utah Admin. Rules R277-217-4 (April 8, 2021)
Utah Admin. Rules R277-316-4 (February 7, 2020)
Utah Admin. Rules R277-316-6 (February 7, 2020)
Utah Code § 53E-6-604 (2020)
Utah Code § 53G-11-406(1) (2019)

District Reports to State Board of Education—

The Superintendent or designee shall report the conviction, arrest or offense information received from licensed educators to the State Board of Education within forty-eight (48) hours of receipt of information from licensed educators. If possible, this report shall be made using the form provided by the State Superintendent on the State Board of Education website.

"Licensed educator" means an individual who holds a valid Utah educator license and has satisfied all requirements to be a licensed educator in the Utah public school system (examples are teachers, school administrators, and school district specialists). A licensed educator may or may not be employed in a position that requires an educator license. Licensed educators include individuals who are student teaching, who are in alternative routes to licensing programs or positions and individuals who hold district-specific licenses.

Utah Admin. Rules R277-217-4(3), (4) (April 8, 2021)
Utah Admin. Rules R277-316-2(8) (February 7, 2020)
Utah Code § 53G-11-406(2) (2019)

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Employment:
Scope of Employment

Scope of Employment—

Employees of the District act within the scope of their employment only when acting to discharge duties for which they have been hired by the District or act under the direction of the Board, the Superintendent or the school Principal in the school where that employee works. The following guidelines govern the scope of an employee's duties:

Student Interaction—

In interacting with students, the employees of the District are required to comply with Policy DAI, Staff Code of Conduct.

Class Attendance—

All teachers shall be present in the classroom at any time when students are present in the classroom. A justification exists for leaving students unattended in a classroom only in cases of emergency such as injury to a student requiring immediate attention, threat to health or safety of a student or personal emergency of the teacher. Any other absences from the classroom must be expressly approved by the School Principal.

Provision of Transportation—

Except as otherwise specifically provided for by District policy, no employee, except an authorized bus driver, has authority to provide transportation for any student or other employee unless express written authorization is given by the Principal. All transportation not authorized is outside the scope of employment.

Conflicting Employment—

No employee of the District shall obtain or maintain any other employment which may or does interfere with or substantially impede the discharge of the employee's duties with the District.

Media Contacts—

All District employees shall coordinate with the Superintendent or the Superintendent's designee all materials prepared for publication regarding District matters. Where possible, all employees shall consult with the Superintendent or the Superintendent's designee prior to providing any statements regarding District matters to any member of the media.

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Employment:
Transfers

Administrative Policy—

It is the policy of the Administration to assign personnel to the positions that best meet the needs of the District. Transfers shall be used to maintain a proper balance of experience and specialized competence among the schools of the District.

Voluntary Transfers—

By April 1 of each school year, the District will advertise known job vacancies, together with required endorsements and skill requirements of the particular position, for the upcoming school year to all current employees. The District will also make reasonable efforts to advertise to all current employees any vacancy which occurs after the April 1 deadline. Transfer requests will be made according to the following guidelines:

1. A Request for Transfer Form signed by the Principal, and a letter or resume which gives evidence of appropriate endorsements and requested skill requirements should be submitted to Personnel no later than five (5) school days following the school postings. After a teacher has submitted one transfer form and resume, requests for transfer to additional openings can be accomplished by contacting Personnel no later than five (5) school days following the school postings. Information from the first transfer request will be forwarded to other schools upon the request of the teacher, providing the contact is received before the five (5) day deadline.
2. Using a common set of criteria such as personnel files, requested qualifications, experience, etc., Principals will review all letters of request for transfer and select the candidates to be interviewed. Successful candidates will be notified in writing.
3. When the position has been filled, all candidates making application will be notified through a district communication sent to the local schools. Whenever possible, this notification shall be made before the end of the current school year.
4. Transfer requests to year-round schools will not be honored after July 1 of the school year. Transfer requests to schools on traditional schedules will be honored until ten (10) working days prior to the new teacher orientation.

Involuntary Transfers—

A Principal or immediate supervisor may request the transfer of an employee when in his or her judgment it will benefit the employee, the school, or the District. Involuntary transfer requests stating specific reasons for the transfer shall be made to the Superintendent. A copy of the request shall be made available to the

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employee. The Superintendent's designee shall review the request and recommend approval or denial to the administrator of Personnel or the Superintendent, who will approve or deny the involuntary transfer request. The Superintendent or the administrator of Personnel may unilaterally review and approve or deny the involuntary transfer request.

In situations where an involuntary transfer becomes necessary due to a reduction in staff or for staff imbalance, a call for volunteers shall be made and if there are no volunteers, selection shall be made in the best interests of the district. In the case of an involuntary transfer due to a reduction in staff or for staff balance, the administrator shall adhere to the following guidelines:

- Employees required to transfer involuntarily shall be notified of the available openings for which they are qualified.
- Employees identified for involuntary transfer shall list their preference for available positions. Positions will be filled by the District with consideration given to the employees' priority listing.
- Program need shall be based on the primary assignment description.
- Whenever possible, an employee being transferred to a different assignment shall be notified of the transfer prior to the end of the school year.
- The transferring employee shall be notified of the change in assignment in a conference with his or her supervisor or a designee.
- When a teacher who has been involuntarily transferred cannot be placed in a position commensurate with appropriate endorsements and skill requirements, Reduction in Force guidelines (Policy DHB) will be implemented.

Restrictions on Transfer of Employees—

An employee whose performance is unsatisfactory may not be transferred to another school unless the Board specifically approves the transfer of the employee.

If an employee who is under an order of probation or remediation in one assignment in a school district is transferred or given a new assignment in the District, the order shall stand until its provisions are satisfied. An employee who is under an order of probation or remediation may not be transferred to another school unless the Superintendent or the administrator of Personnel specifically approves the transfer of the employee.

Utah Code § 53G-11-517 (2018)
Utah Code § 53G-11-503 (2018)

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Employee Conflict of Interest

Holding Public Office—

District employees may not serve as members of the Board. District employees may serve as members of the governing bodies of other school districts (other than those in which they are employed), cities, towns, or other local governmental districts.

Utah Code § 20A-14-202(4) (2022)

School Supplies—

No teacher, administrator, or other employee of the District shall sell or otherwise receive compensation from the District as a result of the purchase, lease, or acquisition of any kind of school furniture or supplies.

Private, Controlled, or Protected Information—

District employees may not:

1. Accept employment or engage in any business or professional activity that the employee might reasonably expect would require or induce the employee to improperly disclose controlled information that the employee has gained by reason of the employee's position.
2. Disclose or improperly use controlled, private or protected information acquired by reason of the employee's official position or in the course of official duties for the employee's or another's private gain or benefit.
3. Use or attempt to use the employee's position with the District to substantially further the employee's economic interest or to secure special privileges or exemptions for the employee or others.
4. Accept other employment that the employee might expect would impair the employee's independence of judgment in performing the employee's public duties.
5. Accept other employment that the employee might expect would interfere with the ethical performance of the employee's duties.

Utah Code § 67-16-4 (2018)

Accepting Gifts, Compensation or Loan—

No District employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift, compensation, or loan for the employee or another if:

1. It would tend to influence someone in the employee's position in the discharge of employment duties;
2. The employee knows or someone in the employee's position should know it is a reward for the employee's action; or

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3. The employee recently has been, or 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 below captioned "Receiving Compensation for Assistance in Transaction Involving a State Agency."

This section does not apply to the following:

1. An occasional non-pecuniary gift having a value of not in excess of $50.00;
2. An award publicly presented in recognition of public services;
3. Any bona fide loan made in the ordinary course of business by an institution authorized by the laws of this state or any other state to engage in making such loans.
4. A political campaign contribution if the contribution is actually used in a political campaign of the recipient District employee.

Utah Code § 67-16-5 (2014)

Receiving Compensation for Assistance in Transaction Involving a State Agency—

No District employee shall receive or agree to receive compensation for assisting any person or business entity in any transaction involving a state agency unless the District employee files with the superintendent, the state attorney general's office, and the head of the agency with which the transaction is being conducted a sworn written statement containing the following information:

1. The name and address of the employee.
2. The name of the District.
3. The name and address of the person or business entity being or to be assisted.
4. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

The sworn statement shall be filed within 10 days after the date of any agreement between the District employee and the person or business entity being assisted or the receipt of compensation, whichever is earlier.

Utah Code § 67-16-6 (2014)

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Ethics Policy Regarding Private But Public Education-Related Activities

Definitions—

For purposes of this policy, the following definitions apply:

- "District employee" means a person who is employed on a full-time, part-time, or contract basis by the District.
- "Activity Sponsor" means a private or public individual or entity that employs an employee in any program in which public school students participate.
- "Extracurricular Activity" means an activity for students recognized or sanctioned by the school or District which may supplement or complement, but are not an official part of, the required program or regular curriculum.
- "Private but Public Education-Related Activities" means any type of activity for which a District employee receives compensation and the principal clients are students at the school where the employee works. Such activities include but are not limited to:
  - Tutoring;
  - Lessons;
  - Clinics;
  - Camps; or
  - Travel Opportunities.

Utah Admin. Rules R277-107-2 (July 9, 2018)

Prohibition upon Educator Participation in Private but Public Education-Related Activities—

A District employee who participates in a private but public education-related activity shall ensure that his or her participation in the activity is separate and distinguishable from the employee's public employment. In relation to a private but public education-related activity, the employee may not:

1. Use education records, resources, or information obtained through employment with the District to promote the activity unless the records, resources, or information are readily available to the general public;
2. Use school time to promote, discuss, or prepare for the activity;
3. State or imply to any person or entity that participation in a school sponsored program or extracurricular activity is conditioned in any way on participation in the activity.

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4. Give or withhold credit based on participation in the activity, including but not limited to clinics, camps, private programs or travel activities that are not equally and freely available to all students;
5. Contact students at public schools except as provided for below.

Utah Admin. Rules R277-107-3 (July 9, 2018)

Activities an Educator May Engage In—

In relation to a private, but public related activity, an employee may:

1. Offer public education-related services, programs or activities to students provided that they are not advertised or promoted during school time and consistent with the policy.
2. Discuss the activity with students or parents, but only outside of the classroom and the regular school day.
3. Use student directories or online resources which are available to the general public to identify prospective clients.
4. Use student or school publications in which commercial advertising is allowed to advertise and promote the activity.

Utah Admin. Rules R277-107-3(5) (July 9, 2018)

Advertising—

An employee may purchase advertising space to advertise an activity or service, whether or not sponsored by schools in the District or by the District, in a publication that accepts paid or community advertising.

A paid advertisement in a school publication may identify the activity, participants, and leaders or service providers by name, provide non-school contact information, and provide details of the employee's employment experience and qualifications.

An employee may post or distribute posters or brochures advertising an employee's private services only in the same manner as could be done by a member of the general public under District policy.

Unless the activity is sponsored by the District, the paid advertisement in a school publication shall state clearly and distinctly that the activity is NOT sponsored by the school or District.

Neither the name of the school nor the District shall be used in the advertisement except as it relates to the employee's employment history or, if school facilities will be used under the District public civic center use policy. If the employee's name is used in an advertisement sent to the employee's students or posted, distributed, or otherwise made available in the employee's school, the advertisement shall state that the activity is not school-sponsored.

Utah Admin. Rules R277-107-4 (July 9, 2018)

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Copies of Contracts Provided to District—

The educator must provide to the principal at the school where he or she is employed a signed copy of all contracts between him or her and a sponsor of a private, but public-education related activity. The District will maintain a copy of these contracts in the employee's personnel file. Such contracts must be signed by the employee and must include the following acknowledgments: that the parties understand that the activity is not sponsored by the school or District; that the employee's responsibilities to the activity sponsor are outside the scope of and unrelated to any public duties or responsibilities the employee may have as an employee of the District; and that the employee agrees to comply with laws and rules of the State of Utah and District policies regarding advertising and employee participation.

Utah Admin. Rules R277-107-6 (July 9, 2018)

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Employee Drug Policy

Board Policy—

The Board recognizes that the unlawful use, possession, distribution, or sale of alcohol, narcotics, or other dangerous drugs is illegal according to federal and Utah law and constitutes a hazard to students. The Board encourages the development and implementation of programs which will provide information on the harmful effects and aid in the prevention of drug and alcohol abuse. The Board supports programs that coordinate school and parent cooperation in attempting to prevent problems of drug abuse and support programs that assist parents in seeking outside professional help from public and private educational and rehabilitative programs.

The Board delegates to the Administration responsibility for providing educational prevention programs, procedures for violations, support for employees, students and their families in all efforts of drug and alcohol prevention.

Administrative Policy—

The Administration recognizes the need to reduce the risk of use and the abuse of illegal substances among employees. Therefore, the use or possession of alcohol or illegal drugs, counterfeit substances, and all associated paraphernalia is prohibited at any school district location (as defined in this policy).

Utah Code § 58-37-1 et seq.

Employee Drug Policy—

No employee shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance, as defined in the Utah Controlled Substances Act, schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 CFR § 1300.01 through 1300.05, before, during or after school hours at school or in any other school district location as defined below.

Utah Code § 58-37-1 et seq.
41 U.S.C. § 8103(a)(1)
29 CFR § 94.205(a)
34 CFR § 84.205(a)

Marijuana and Cannabis—

This policy applies to narcotics, drugs and controlled substances as defined in law. Although some actions involving medical marijuana are no longer prohibited under Utah law, federal law still prohibits the manufacture, sale, distribution, and use of marijuana and conditions receipt of federal education funding on maintaining a

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drug-free workplace. As a recipient of federal funds, the district has an obligation to maintain a drug-free workplace. Thus, marijuana possession, sale, distribution, and use in the workplace is prohibited under this policy. However, an employee who has a valid medical cannabis card is not subject to retaliatory action for failing a drug test due to marijuana or tetrahydrocannabinol unless there is evidence that the employee was impaired or otherwise adversely affected in the employee's job performance due to the use of medical cannabis. ("Retaliatory action" means dismissal, reduction of compensation, failing to increase compensation by an amount the employee is otherwise entitled to or was promised, failure to promote the employee if the employee would otherwise have been promoted, or threatening any of these actions.) This limitation on adverse employment action does not apply in any circumstance when it would jeopardize federal funding.

29 CFR § 94.205(a)
34 CFR § 84.205(a)
Utah Code § 26-61a-111(2) (2022)

School District Location Defined—

"School district location" means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

Notification of Conviction—

As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on school district federal grant is performed, no later than five (5) calendar days after such conviction.

41 U.S.C. § 8103(a)(1)(D)
29 CFR § 94.205(c)
34 CFR § 84.205(c)

Actions Upon Conviction for Drug Offense in the Workplace—

Upon receipt of notice that an employee working under a federal grant has been convicted of a criminal drug offense in the workplace, the District shall:

1. Within 10 calendar days of learning of the conviction, send written notice to each federal agency on whose award the employee was working. This notice shall include the identification number of each award and the employee's position title.

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2. Within 30 calendar days of learning of the conviction, either take appropriate personnel action against the employee (up to and including termination) or require the employee to satisfactorialy participate in an approved drug abuse assistance or rehabilitation program.

41 U.S.C. § 8104
29 CFR § 94.225
34 CFR § 84.225

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Policy Exhibit #1 DAG

"Drug & Alcohol Policy Notice to Employees"

NOTICE: The following notice shall be provided to all Employees of the District.

YOU ARE HEREBY NOTIFIED that it is a violation of the policy of the School District for any employee to distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or to unlawfully manufacture, distribute, dispense, possess or use or be under the continued influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance, as defined in the Utah Controlled Substances Act, schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 CFR § 1300.01 et seq., before, during or after school hours at school or in any other school district location as defined below.

"School district location" means in any school building and on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

YOU ARE FURTHER NOTIFIED that if you are engaged either directly or indirectly in work on a federal grant, it is a condition of your continued employment on any such federal grant that you shall abide by the terms of the school district policy on alcohol and drugs and will notify your supervisor in writing of your conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction.

Any employee who violates the terms of the school district's drug and alcohol policy may be non-renewed or his or her employment may be suspended or terminated, at the discretion of the board. In the alternative, any employee who violates the terms of the school district's drug and alcohol policy shall satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the board. If such employee fails to satisfactorily participate in such program, the employee shall be non-renewed or his or her employment may be suspended or terminated, at the discretion of the board.

41 U.S.C. § 8103(a)(1)
41 U.S.C. § 8104
29 CFR § 94.205
29 CFR § 94.225
34 CFR § 84.205
34 CFR § 84.225

Drug Testing of Bus Drivers

Supplement to State Rules—

The State Board of Education has promulgated a mandatory rule requiring drug tests of certain employees under certain conditions pursuant to the Omnibus Transportation Employee Testing Act of 1991 and the Rules and Regulations of the Department of Transportation, 49 U.S.C. § 31306, 49 CFR Parts 382, 391, 392 and 395, governing all employees who are required as a part of their employment duties to obtain commercial driver's licenses. This policy is intended to supplement the State Board rules regarding drug testing. The State Board rule is incorporated into this policy by this reference.

49 U.S.C. § 31306
Pupil Transportation Drug and Alcohol Testing Policies and Procedures Employee Handbook
Pupil Transportation Drug and Alcohol Testing Policies and Procedures Supervisor Supplement Handbook

Drug Program Coordinators—

The District hereby appoints _____ to act as the Drug Program Coordinator and _____ to act as the Alternate Drug Program Coordinator. The Drug Program Coordinator shall also act as the site coordinator for purposes of observing, collecting, and organizing and maintaining test data.

Conditions of Employment—

All employees of the District who are required by their job duties to obtain and maintain a commercial driver's license or who will be employed in a safety sensitive position as defined in this Policy must, as a condition of initial and continued employment within the District:

1. Abide by the provisions of the District's Drug Policies;
2. Notify the District Pupil Transportation Supervisor of any criminal drug or alcohol related conviction no later than five (5) working days after such conviction;
3. Notify the District Pupil Transportation Supervisor of any revocation or confiscation of the Commercial Driver's License;
4. Consent to the District releasing to any other school district records of a positive test or a refusal to be tested.

Confidentiality of Tests—

All employees must refrain from disclosing any information about testing times or dates to forewarn potential test selectees. Any employee who violates this provision may be terminated for cause.

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Tests to be Conducted—

Employees of the District shall be tested under the following provisions:

1. All employees required to hold a commercial driver's license shall be tested as provided in the State Board of Education rules;
2. Any employee may be tested whenever an accident causing bodily injury occurs within the scope of employment where it appears that drugs or alcohol may have been a contributing factor. All such tests shall be conducted within eight (8) hours after the accident;
3. Any employee may be tested for drugs or alcohol where there is a reasonable suspicion that an employee may be using alcohol, illegal drugs, or may be under the influence of illegal drugs or alcohol while on the job.

Reasonable Suspicion Documentation—

Prior to conducting any tests for drugs or alcohol, based upon a suspicion of use the Drug Program Coordinator or the Alternate must articulate in writing specific facts any reasonable inferences drawn from those facts and which lead to a reasonable suspicion that an employee is using or under the influence of alcohol or illegal drugs.

Utah Code § 34-41-102(3) (2016)
Utah Code § 34-41-101(8) (2021)

Reasonable Suspicion—

A "reasonable suspicion" means an articulated belief based on the recorded specific facts and reasonable inferences drawn from those facts that indicate that a school district employee is using or is under the influence of drugs or alcohol.

Utah Code § 34-41-101(8) (2021)

Safety Sensitive Position—

A "safety sensitive position" means all persons required by their job duties to maintain a commercial class driver's license, including all bus drivers, mechanics and any other employee involved in transporting students within the scope of employment.

Utah Code § 34-41-101(10) (2021)

Scope of Employment—

An action is within the "scope of employment" if it is part of any actions for which an employee is remunerated or performs by reason of employment in the District.

Verification of Tests—

Before the result of any test may be used as a basis for any adverse employment action, the District shall verify or confirm any positive initial screening test by gas chromatography, gas chromatograph-mass spectroscopy, or other

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comparable analytic methods. In addition, the employee testing positive shall be notified by telephone and in writing at the last known address and telephone number of the positive test result and where a new test may be obtained if the employee desires to undergo a second test.

Utah Code § 34-41-104(4) (1998)

Positive Test of Safety Sensitive Position While on Duty—

Any employee who holds a safety sensitive position who tests positive while acting within the scope of job duties shall be terminated for cause.

Positive Test of Other Employees—

Compliance with the District's drug policies is a condition of continued employment within the District. The District shall terminate any employee who tests positive for alcohol or illegal drugs while acting within the scope of job duties unless:

1. The employee has voluntarily disclosed a need for counseling or rehabilitation from alcoholism or drug dependence prior to the test; and
2. The employee has agreed to enroll at his or her expense into a rehabilitation, treatment, or counseling program approved by the District.

Utah Code § 34-41-105(2) (1994)

Any employee in a rehabilitation or treatment program who is not in a safety sensitive position may be suspended without pay, placed on probation, or terminated for cause within the discretion of the Superintendent of Schools and/or the Board of Education.

Test Procedures—

All tests shall be conducted pursuant to the procedures established in the State Board of Education Rules.

Compensation for Test Time—

All tests performed by the District shall occur during or immediately after the regular work period of the employee and shall be considered as work time for purposes of compensation and benefits.

Utah Code § 34-41-104(5) (1998)

The District shall bear the costs of all sample collection and testing for alcohol or drugs at the request of the District, including any costs for transportation to the test site if conducted at a place other than the workplace.

Utah Code § 34-41-104(6) (1998)

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Staff Code of Conduct

This policy is adopted in conformance with Utah Administrative Rule R277-322, which requires local educational entities to adopt a code of conduct applicable to staff.

Definitions—

1. Abuse
   a. "Physical abuse" means abuse that results in physical injury or damage.
   b. "Sexual abuse" has the same meaning as defined in Utah Code § 80-1-102(79).
   c. "Verbal abuse" means repeatedly communicating in an objectively demeaning or disparaging manner which creates a hostile, intimidating, abusive, offensive, or oppressive learning environment.
   d. "Mental abuse" means a pattern of sustained and repetitive acts or inappropriate statements that cause fear, lower self-esteem, or manipulate the person to control behavior. Examples of actions or statements that could be part of such a pattern include intimidation, threatening harm, destruction of property, insults or putdowns, arbitrary and unpredictable inconsistency, and denial that prior abusive incidents occurred. (Appropriate statements or actions taken in imposing discipline for misconduct do not constitute mental abuse.)

   Utah Code § 80-1-102(63), (79) (2022)
   Utah Admin. Rules R277-217-3(3) (April 8, 2021)
2. "Boundary violation." A boundary violation occurs when a staff member crosses verbal, physical, emotional, or social lines that must be maintained to ensure structure, security, and predictability in an educational environment. Depending on the circumstances, the following may constitute a boundary violation:
   a. Isolated, one-on-one interactions with students out of the line of sight of others;
   b. Meeting with a student or students in rooms with covered or blocked windows;
   c. Telling risqué jokes to or in the presence of a student;
   d. Employing favoritism to a student;
   e. Giving a gift to an individual student;
   f. Staff-initiated frontal hugging or other uninvited touching;
   g. Photographing an individual student for a non-educational purpose or use;

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h. Engaging in inappropriate or unprofessional conduct outside of educational program activities;

i. Exchanging personal email or phone numbers with a student for a non-educational purpose or use;

j. Interacting privately with a student through social media, computer, or handheld devices; and

k. Discussing the staff member's personal life or personal issues with a student.

It is NOT a boundary violation to:

a. Offer praise, encouragement, or acknowledgement;

b. Offer rewards available to all who achieve;

c. Ask permission to touch for necessary purposes;

d. Give a pat on the back or a shoulder;

e. Give a side hug;

f. Give a handshake or "high five";

g. Offer warmth and kindness;

h. Use public social media alerts to groups of students and parents; or

i. Engage in contact permitted by an IEP or 504 plan.

It is not a boundary violation when a student acts or speaks in inappropriately familiar ways with a staff member without having been prompted to do so by the staff member, but such incidents must be promptly documented and reported to the staff member's supervisor or the building principal and the student should be given guidance on proper student-staff relationships as directed by the supervisor or principal.

3. "Bullying" means the same as that is defined by Policy FHA and Policy FGAD.

4. "Cyber-bullying" means the same as that is defined by Policy FHA and Policy FGAD.

5. "Neglect" has the same meaning as defined in Utah Code § 80-1-102(58).

   a. The term "parent" means the natural or adoptive or step or foster parent of a child or legal guardian who acts in the place of a parent.

   Utah Code § 80-1-102(58) (2022)

6. "Staff" means an employee or any contractor or volunteer with unsupervised access to students.

   Utah Admin. Rules R277-322-2(2) (August 19, 2019)

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Professional Conduct—

District staff are expected to comply with all District policies and to adhere to all requirements of the law. District staff are further expected to act professionally. This includes communicating in a civil manner and not promoting personal opinions, issues, or political positions as part of the instructional process in a manner inconsistent with law. It further includes integrity and honesty in relationships with others and conducting any financial business and accounting for funds honestly and with integrity. District staff are expected to comply with appropriate dress and grooming standards as established by District policy, supervisor directives, and generally accepted professional standards. District employees are required to report arrests and convictions as provided for in Policy DACA.

Utah Admin. Rules R277-217-2, -3, -4, and -5 (April 8, 2021)

District staff are prohibited from being under the influence of, using, possessing, or distributing any alcoholic beverage, tobacco product (including electronic cigarettes), or controlled substance at school or at a school-related activity where the staff member is functioning as such, as outlined in Policy DAG. District staff are prohibited from providing alcohol or unauthorized drugs to students or from allowing students under the supervision or control of the staff member to use alcohol or unauthorized drugs. District staff are further expected to support District efforts to reduce inappropriate drug use and alcohol or tobacco use among students, including by reporting student actions as provided by Policy DDB.

Utah Admin. Rules R277-217-2(10) to (12) (April 8, 2021)

District staff are prohibited from knowingly viewing, accessing, or possessing pornographic or indecent material in any form (print, electronic, or otherwise) while on school premises or at a school-related activity or by using District devices, internet access, or other resources. District staff may not knowingly use, view, create, distribute, or store pornographic or indecent material involving children at any time.

Utah Admin. Rules R277-495-4(1)(c) (April 8, 2019)
Utah Admin. Rules R277-217-2(16) to (18) (April 8, 2021)
Utah Code § 76-10-1235 (2007)

Professional and Ethical Relationships with Students—

District staff are to comport themselves in a way that contributes to maintaining and fostering a positive, effective, non-disruptive and safe learning environment for students. This includes maintaining professional and appropriate demeanor and relationships with students, both during and outside of school hours and on and off campus and through in-person and electronic interactions (through devices or social media). This also includes respecting appropriate intrapersonal boundaries in interacting with students and avoiding behavior that could reasonably lead to the appearance of impropriety.

Staff are prohibited from engaging in the following conduct towards students:

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1. Abuse (physical, sexual, verbal, or mental, as defined above);
2. Bullying, cyberbullying, harassment (including sexual harassment), or hazing;
3. Discrimination based on race, ethnicity, gender, sexual orientation, religion (or lack of religious affiliation or belief), or disability;
4. Boundary violations;
5. Sharing any sexually explicit or lewd communication, image, or photograph;
6. Allowing students in their homes for a school-related social activity without prior written permission of the principal;
7. Dating or any type of romantic or sexual relationship or conduct;
8. Requests for sexual activity or sexually suggestive comments; or
9. Touching a student in a way that makes a reasonably objective student feel uncomfortable.

Utah Admin. Rules R277-217-2(4) to (7), (22), (23) (April 8, 2021)
Utah Admin. Rules R277-217-3(2), (3) (April 8, 2021)
Utah Admin. Rules R277-322-2(3) (August 19, 2019)
Utah Admin. Rules R277-322-3(3)(a) to (j) (August 19, 2019)
Utah Code § 63G-7-301(3)(a)(i), (b) (2022)

The foregoing prohibitions apply to staff interaction with any student presently enrolled in the District and to staff interaction with any student who was enrolled in the District within the time period two (2) years before the conduct in question.

Flaskamp v. Dearborn Public Schools, 385 F.3d 935, 944 (6th Cir. 2004).

The District recognizes that in circumstances where a staff member and a student have a relationship which is independent of and does not arise out of the school context, interactions which would be a boundary violation in the absence of that independent relationship may not constitute a boundary violation. (Examples of such independent relationships include where the staff member and student are family members or otherwise closely related or where the staff member and student are both affiliated with a non-school organization and the interaction relates to or arises out of that relationship.) The other prohibitions listed above apply regardless of the existence of an independent, non-school relationship.

Violation of any of the prohibitions of this policy is grounds for employee disciplinary action up to and including termination of employment and for action up to and including termination of the District's relationship with a contractor or volunteer.

Reporting Requirements—

Staff members are required to promptly report any suspected incidents of abuse (physical, verbal, sexual, or mental) or neglect, including suspected incidents of child abuse as provided in Policy DDA. Staff members are also required to report incidents of student prohibited acts under Policy DDB, which includes hazing and

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demeaning or assaultive behavior). Staff members shall also report incidents of bullying, cyberbullying, and harassment.

Utah Admin. Rules R277-322-3(3)(c), (k)(i) (August 19, 2019)

Staff members are also required to report any instance of violation of this Code of Conduct policy, including but not limited to instances of sexual harassment as provided by Policy DKB and Policy FHAB. If a staff member becomes aware that a student has initiated any interaction with a staff member which would be improper or inappropriately familiar, the staff member must promptly document and report that incident.

Utah Admin. Rules R277-322-3(4)(a) (August 19, 2019)

Staff members should report any instances where the staff member knows or has reason to believe that a staff member holding a Utah educator or administrative license has violated the Utah Educator Standards.

Utah Admin. Rules R277-322-3(4)(b) (August 19, 2019)

Reporting Procedures—

Reports required under this Code of Conduct shall be made as follows: Reports regarding child abuse or neglect shall be made according to Policy DDA. Reports regarding sexual harassment shall be made according to Policy DKB and FGAD. Reports of student prohibited conduct shall be made according to Policy DDB. Other reports required by this Code of Conduct shall be made to the staff member's immediate supervisor or the building principal. However, if the person who would receive the report is the person whose conduct is in question, the report will be made instead to that person's supervisor.

Utah Admin. Rules R277-322-3(3)(k)(i), (4) (August 19, 2019)

Training—

Each staff member must, at least every year, read and sign Policy DDA (regarding reporting of suspected child abuse) and any other policies relating to identifying or documenting child abuse.

Utah Admin. Rules R277-322-3(3)(k)(ii) (August 19, 2019)

Each staff member must, at the time of initial employment and at least every year thereafter, be trained on the requirements of this code of conduct Policy DAI and must at the time of each training sign a statement acknowledging that the staff member has read and understands this code of conduct.

Utah Code § 63G-7-301(3)(b) (2022)
Utah Admin. Rules R277-322-3(5) (August 19, 2019)

Each staff member who is either an employee or a contractor must, at least every year, attend sexual abuse and human trafficking prevention training as provided for under Policy DDAA.

Utah Admin. Rules R277-322-3(3)(k)(iii) (August 19, 2019)
Utah Code § 53G-9-207(3) (2022)

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Each staff member who holds a Utah educator or administrative license shall become and remain familiar with the professional standards set forth in Utah Administrative Rule R277-217.

Public Notice of Code of Conduct—

This policy shall be posted on the District's web site.

Utah Admin. Rules R277-322-3(3) (August 19, 2019)

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Contracts:
Certified Employees

Certified Personnel—

The Board shall employ certified personnel by a written contract that sets forth the terms and conditions of employment. The length or term of the contract shall not exceed five years. All such contracts shall be in writing and shall embody the terms and conditions of employment. Nothing in the terms of the contract shall restrict the power the Board to terminate the contract for cause at any time. The Board may not enter into a collective bargaining agreement that prohibits or limits individual contracts of employment. Contracts for hiring or rehiring of personnel shall be valid only if entered into by the Board.

Utah Code § 53G-11-202 (2018)

Separate Salary Schedule for Medical Specialists—

The Board may adopt a separate salary schedule for medical specialists providing related services as defined by 34 CFR § 300.34. This separate salary schedule can take into consideration the market rate for related services provided outside of a school-based setting. “Medical specialist” includes the following:

1. An audiologist;
2. A speech-language pathologist;
3. A mental health practitioner;
4. A school nurse;
5. An occupational therapist; and
6. A physical therapist.

Utah Code § 53G-7-219 (2022)

Property Interest—

A certified employee’s contract of employment with the District creates a property interest in the position only for the period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract.

Perry v. Sindermann, 92 S. Ct. 2694 (1972)
Board of Regents of State Colleges v. Roth, 92 S. Ct. 2701 (1972)

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Contracts:
Classified Employees

Job Descriptions—

The Board shall adopt policies specifying the duties of each of its classified positions of employment. The Board shall assign positions of employment to meet the specific needs of the District.

Utah Code § 53G-4-402 (2020)

Benefits for Employees Hired after July 1, 2013—

Unless otherwise defined by District policy or negotiated agreement and subject to Federal law, a classified employee hired on or after July 1, 2013:

1. may be required to work twenty (20) hours or more in a regular work week; and
2. may be exempt from receiving benefits normally provided to classified employees.

Utah Code § 49-12-102(5)(c) (2022)

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Employment Requirements:
Physical Examinations and Communicable Diseases

Physical and Mental Examinations—

The District may require an applicant for employment or an employee to provide satisfactory evidence that the applicant or employee is mentally and physically qualified to perform the duties of the job. Satisfactory evidence may include, but is not limited to, regular mental or physical examinations by a qualified physician.

Confidentiality of Examination Results—

Evidence of mental or physical condition provided by an applicant or employee, pursuant to the previous section, is deemed private and may be disclosed only to:

1. The applicant or employee, or a designated representative of the applicant or employee;
2. School officers and members of the Board;
3. The Department of Health;
4. Local health authorities;
5. The physician or other authorized person(s) who performed the examination(s);
6. A health care professional who has legitimate need to know the test result in order to provide for the health care provider's protection and welfare; or,
7. Persons or entities or classes of persons or entities authorized by written release signed by the applicant or employee.

Information from the State Board—

An administrator may obtain any information in the possession of the State Board of Education, which is relevant to evaluating the employment of a currant or prospective employee of the school. If a decision is made not to hire a prospective employee or to take action against a current employee based upon such information, the individual affected shall be given notice of the information and be provided an opportunity to refute or respond to the information. An administrator who, in good faith, discloses or receives information under this section is exempt from civil liability relating to the receipt or disclosure.

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No Implied Contract Rights

No Implied Contract Rights—

Nothing in these policies may be construed to grant any implied contract rights beyond those contract rights expressly provided for in these policies or by state statute. No employee shall have an expectation of continued employment beyond the current contract period unless expressly stated otherwise in these policies or in state law. All employees not expressly granted expectations of continued employment are employed by the District as at-will employees.

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Limitations on Extra Duty Assignments

Definitions

For purposes of this policy, “extra duty assignment” means an appointment which is in addition to the regular work duties of the employee, such as an assignment for coaching or directing athletics, choirs, bands, debate programs, drama and similar extracurricular activities.

For purposes of this policy, “volunteer” is a person who donates services without pay or other compensation except expenses actually and reasonably incurred, reasonable benefits and/or a nominal fee.

Extra Duty Employment Not Available to Classified Employees

Classified employees are prohibited from being employed in an extra duty position. Although a classified employee is prohibited from being employed under an extra duty contract appointment, a classified employee desiring to assist with extra duty activities may be approved as a volunteer if the conditions outlined in the Classified Employee Request to Volunteer in Extra Duty Assignment are met.

Career Status Not Available in Extra Duty Assignment—

Certified employees do not acquire an expectation of continued employment or career status in the extra duty portion of any contract. The District retains the right to terminate extra duty appointments and the pay for such extra duty appointments within its sole discretion at the end of a contract term.

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Classified Employee Request to Volunteer in Extra Duty Assignment

Name: _____.

- I work hourly for the _____School District as _____.
- I would like to volunteer my services with the _____ team/club/activity.
- I would like to volunteer as _____.
- I affirm that the duties I perform in my job with the District are not related to the duties I would perform in my volunteer position.
- I understand that as a volunteer, I will not receive wages or a salary for the services I volunteer.
- I understand that the District may reimburse me for expenses actually and reasonably incurred, provide me with a per diem to cover expenses, and/or provide me with a nominal stipend for my volunteer services, but I acknowledge and agree that this stipend in no way is the equivalent of an hourly wage or a salary for the hours I volunteer. I further understand the amount of the stipend is not dependent upon the outcome of the team's season/club's events.
- I acknowledge and affirm that I have not been required to volunteer as a condition of my employment, that no pressure has been brought to bear against me by anyone at the District, that no threats have been made against my hourly job with the District if I failed to volunteer, that I am free to relinquish my role as a volunteer without fear that doing so will have any impact on my hourly job with the District and that no promises have been made to me that I would receive better treatment, promotions, or anything else to do with my hourly job at the District if I do volunteer.

These are my reasons for wanting to volunteer:

_____

_____

_____

_____

_____

Employee Signature Date

(Signature of Employee Requesting to Volunteer)

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Reemployment of Retirees

A retiree who is reemployed after July 1, 2010, by the District within one year of the date of the person's retirement will have his or her retiree's allowance cancelled by the Utah State Retirement Office and be reinstated as an active member of the State retirement plan, effective the first day of the month following the date of reemployment unless:

1. the retiree is not reemployed by the District for a period of at least sixty (60) days from the retiree's retirement date;
2. upon reemployment after the break in service, the retiree does not receive any District provided benefit, including:
    a. medical benefits;
    b. dental benefits;
    c. other insurance benefits expect workers compensation and withholdings required by state and federal law for Social Security, Medicare, and unemployment insurance; or
    d. paid time off, including sick, annual or other type of leave; and
    e. the retiree does not earn in any calendar year of reemployment an amount in excess of the lesser of:
        i. $15,000; or
        ii. One-half of the retiree's final average salary upon which the retiree's retirement allowance is based.

If the employee retires again within a two-year period from the date of cancellation of the original allowance, the original allowance will resume. Otherwise, if the employee retires after the two-year period, then his or her original allowance will resume, and the retiree will receive an additional allowance based on the formula in effect at the date of the subsequent retirement for the service credit accrued between the first and subsequent retirement dates.

A retiree who is reemployed after July 1, 2010, by the District more than one year from the date of the retiree's retirement may elect to:

1. Earn additional service credit and cancel the retiree's retirement allowance; or
2. Receive the retiree's retirement allowance and forfeit any retirement related contribution from the District.

If a retiree makes an election under option (2) to continue to receive a retirement allowance while reemployed, the District shall contribute to the Utah State Retirement Office the amortization rate that would have covered the retiree.

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If the retiree is not otherwise eligible for retirement coverage in the reemployed position, the Utah State Retirement Office shall cancel the allowance of a retiree; and the District shall pay the amortization rate to the office on behalf of the retiree.

If a retiree is reemployed in the School District after July 1, 2010, the District shall immediately notify the Utah State Retirement Office. In addition, the District shall provide information indicating:

1. Whether the retiree was reemployed within one year of the retiree's date of retirement; and
2. If the retiree is reemployed more than one year from the date of retirement, whether the employee elects to:
    a. Earn additional service credit and cancel the retiree's retirement allowance; or
    b. Receive the retiree's retirement allowance and forfeit any retirement related contribution from the District.

It is the responsibility of the reemployed retiree to report to the Utah State Retirement Office his or her reemployment status. It is the Utah State Retirement Office that ultimately determines the impact, if any, of a retiree's reemployment with the District on the retiree's eligibility for and benefits under the Utah State Retirement System. Therefore, the retiree should contact the Utah State Retirement Office to verify the impact of any reemployment decision prior to accepting reemployment with the District. The Utah State Retirement Board has stated that it will typically find that a retiree has not had an effective termination of service for purposes of the break in employment requirement if prior to retirement the employee has or had any type of prearrangement which anticipates a post-termination of employment fee-for-services relationship with any employer participating in the Utah State Retirement System. In addition, volunteer service for a participating employer may constitute employment or reemployment if there is a prearrangement of any kind that anticipates that the volunteer service is given in exchange for or as a condition of future employment or any fee-for-service relationship with any participating employer or there is any kind of deferred compensation for the volunteer service.

Utah Code § 49-11-504 et seq. (2016)
Utah State Retirement Board Resolution #2019-05

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Administration Relations

District Governance—

The Board has the power to manage and govern the public schools of the District.

Utah Code § 53G-4-402 (2021)
Elwell v. Board of Education of Park City, 626 P.2d 460 (Utah 1981)

Consultation—

The Board and its administrative personnel may consult with teachers with respect to matters of educational policy and conditions of employment. The Board may adopt and make reasonable rules, regulations, and agreements to provide for such consultation, but these shall not limit or affect the power of the Board to manage and govern the schools of the District, nor shall such rules, regulations or agreements favor one educational association over another or give preferential treatment to an educational association.

Utah Code § 53G-11-205(4) (2019)

Exclusivity and Coercion—

If the Board chooses to engage in consultation, the process shall be structured so that there is no direct or indirect coercion of employees to join or refrain from joining a labor union, labor organization or other type or association, and such consultation shall be structured so that the Board does not favor one educational association over another or give preferential treatment to an educational association.

Utah Code § 34-34-4 (1969)
Utah Code § 34-34-7 (1969)
Utah Code § 34-34-8 (1969)
Utah Code § 53G-11-205(4) (2019)

Association Negotiations—

Public employees may negotiate in groups or through employee associations with the District. This is not to be construed as granting to district employees the right to strike, which action is specifically prohibited.

Utah Code § 34-34-2 (2011)
Utah Code § 34-34-16 (1969)

The term “labor organization” means any organization of any kind, or any agency or employee, representation committee, or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with one or more employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

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Publication of Negotiated Agreement—

If the Board engages in negotiations with labor organizations and a negotiated or collective bargaining agreement is reached, the Board shall within ten (10) days of ratification post the agreement or memorandum on the District's website

Utah Code § 53G-11-207 (2019)

Distribution of Organization Materials—

The District shall not allow unstamped, or stamped but not cancelled, employee organization mail to be delivered by interschool mail. Unless off-duty and acting as an agent of an employee organization, a District employee shall not distribute unstamped, or stamped but not cancelled, mail from employee organizations to other District employees.

Equal Access for Employee Associations—

The schools in the District shall allow all employee associations equal access to distribution of information in or access to employee physical or electronic mailboxes (including school-provided email accounts), and to membership solicitation activities at new teacher or new employee training meetings or functions. (This policy does not require the school to afford association access to these activities but requires that if access is granted to one employee association, equal access must be provided to other employee associations.)

Utah Code § 53G-11-205(2), (3) (2019)

No Endorsement of or Preference for Any Employee Association—

The District does not endorse any one employee association, and District policies, structures, and procedures shall not be applied to favor one employee association over another or to otherwise give preferential treatment to one employee association. District calendars and publications shall not include or refer to the name of any employee association in relation to any day or break in the school calendar.

Utah Code § 53G-11-205(4), (5) (2019)

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Mediation of Contract Negotiations

Mediation—

In the course of contract negotiations between a professional local organization representing a majority of certified employees of the District, either the president of the professional local organization or the chairman of the Board may, after the parties have negotiated for ninety days, declare an impasse. If the Board elects to declare an impasse, the chairman of the Board shall deliver a written notification of the impasse to the president of the professional local organization and to the State Board of Education.

Upon declaring an impasse, or upon receiving notice of declaration of an impasse from the local professional organization, the Board shall name a third-party mediator agreeable to the Board. If agreement on a third-party mediator cannot be reached between the Board and the local professional organization, the Board will request the state superintendent to appoint a mediator.

The Board shall work together with the state superintendent and the professional local organization in appointing a mediator who is mutually acceptable to the Board and to the professional organization. The Board shall share equally in the cost of mediation with the local professional organization.

In the event that no agreement is reached regarding a mediator, the Board shall appoint a mediator.

The mediator may not without the consent of both parties make findings of fact or recommend terms for settlement.

Utah Code § 53E-6-801 (2019)

Hearing—

If the mediator appointed by the state superintendent is unable to effect settlement of the controversy within fifteen working days after his or her appointment, either the Board or the president of the local professional organization may request that the dispute be submitted to a hearing officer who will make findings of fact and recommend terms of settlement. The request shall be made in writing to the other party and to the state superintendent. The state superintendent shall appoint a hearing officer who is mutually acceptable to the Board and the professional organization. The Board will furnish the hearing officer, on request, all relevant records, documents and information, but only such records, documents, and information whose disclosure is not otherwise prohibited by state or federal law or privileged or confidential.

If the final position of the parties is not resolved, the hearing officer shall issue a report containing the agreements of the parties with respect to all resolved negotiated contract issues and the positions that the hearing officer considers appropriate on all unresolved final positions of the parties. Ten days after receiving

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the hearing officer's written findings and report, the Board may make the hearing officer's report public if the dispute has not been settled at that time.

The Board may, in its sole discretion, accept or reject the recommendations and findings of the hearing officer and make its own determination.

Utah Code § 53E-6-802 (2019)

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Association and Organization Participation

Association and Organization Participation—

No person shall be granted or denied District employment by reason of membership or non-membership in any labor organization, labor union or any other type of association.

Utah Code § 34-34-2 (1911)

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Reporting of Child Abuse

Reporting of Child Abuse—

Whenever any employee of the District knows or reasonably believes that a child has been neglected, or physically or sexually abused, such employee shall immediately notify the nearest peace officer, law enforcement agency or office of the State Division of Child and Family Services (DCFS). Under such circumstances, the employee shall **also** notify the building principal. Such a report to the principal does not satisfy the employee's personal duty to report to law enforcement or DCFS. It is not the responsibility of school employees to prove that the child has been abused or neglected or determine whether the child is in need of protection. Investigations are the responsibility of the Division of Child and Family Services. Investigation by education personnel prior to submitting a report should not go beyond that necessary to support a reasonable belief that a reportable problem exists.

School officials shall cooperate appropriately with DCFS and law enforcement agency employees authorized to investigate charges of child abuse and neglect, assisting as asked as members of interdisciplinary child protection teams in providing protective, diagnostic, assessment, treatment, and coordination services, including:

1. allowing appropriate access to students;
2. allowing authorized agency employees to interview children consistent with DCFS and local law enforcement protocols;
3. making no contact with parents/legal guardians of children being questioned by DCFS or local law enforcement; and
4. cooperating with ongoing investigations and maintaining appropriate confidentiality.

The employee shall maintain the confidentiality of and not disclose any information learned in connection with an investigation except with those persons with whom the employee is required to cooperate, including the Division, law enforcement, the State Board of Education, or supervisory District officials. Persons making reports or participating in an investigation of alleged child abuse or neglect in good faith are immune from any civil or criminal liability that otherwise might arise from such actions, as provided by law.

The anonymity of those reporting or investigating child abuse or neglect will be preserved and information provided pursuant only to the manner provided for in Utah Code § 80-2-1005.

Utah Admin. Rules R277-217-3(5), (6) (April 8, 2021)
Utah Admin. Rules R277-401-3 (September 21, 2017)
Utah Code § 80-2-602 (2022)
Utah Code § 80-2-1005 (2022)

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Reporting of Child Abuse by a School Employee—

An employee who has reasonable cause to believe that a student may have been physically or sexually abused by a school employee shall immediately report that belief to **both** the school principal **and** the Superintendent. A District administrator, including the Superintendent, who has received such a report or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by an educator shall immediately report that information to the State Board of Education and to the Utah Professional Practices Advisory Commission.

Utah Admin. Rules R277-217-3(5) (April 8, 2021)
Utah Code § 53E-6-701 (2022)

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Child Sexual Abuse and Human Trafficking Prevention Education

School Personnel Education Regarding Child Sexual Abuse and Human Trafficking—

The District shall provide, every other year, training to all school personnel on responding to a disclosure of child sexual abuse in a supportive, appropriate manner and on the mandatory reporting requirements of Utah Code § 53E-6-701 (regarding abuse by school personnel) and Utah Code § 80-2-602 (regarding reporting of child abuse). The training shall also address human trafficking and identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation. "School personnel" to receive training include all school employees, whether licensed, part-time, contract, or non-licensed.

Utah Code § 53G-9-207(3)(a)(i) (2022)
Utah Admin. Rules R277-605-6(3) (July 22, 2022)

Training Materials—

The training required under this policy shall use the instructional materials prepared and approved by the State Board of Education.

Utah Code § 53G-9-207(3)(b) (2022)

Evidence of Compliance—

The District must provide evidence of compliance with these training and instructional materials requirements upon request of the State Board of Education.

Utah Code § 53G-9-207(7) (2022)

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Reporting of Student Prohibited Acts

Reporting of Student Prohibited Acts—

School employees shall immediately report to the school principal or District superintendent any reasonable belief that a violation of Policy FF has occurred, wherein any student participating in student government and/or extracurricular activities, if occurring while the student is in the classroom, on school property, or during school-sponsored activities, regardless of location or circumstances:

1. Uses foul, abusive, or profane language while engaged in school-related activities;
2. Illicitly uses, possesses, or distributes a controlled substance, drug paraphernalia, a tobacco product, an electronic cigarette product, or an alcoholic beverage; or
3. Hazes, demeans, or engages in assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under state law.

Principals who receive a report of a violation of Policy FF shall submit a report of the alleged incident, and actions taken in response, to the District superintendent or the superintendent's designee within ten working days after receipt of the report.

Failure of a person holding a professional certificate to report these prohibited acts as required under this policy constitutes an unprofessional practice.

Utah Code § 53G-8-209 (2020)

Duty to Report Student Use or Possession of Illegal Drugs or Alcohol—

A school employee with reasonable cause to believe that a student has used or possessed alcohol or illegal drugs, counterfeit substances, or any associated paraphernalia at a school District location shall immediately report that fact to the school's designated Administrator.

Utah Code § 53G-8-501 (2018)
Utah Code § 53G-8-502 (2018)
Utah Code § 58-37-8 (2022)

School District Location Defined—

"School district location" means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school

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district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

Notice to Parent or Legal Guardian—

Upon receiving a report from a school employee of student use or possession of illegal drugs or alcohol, counterfeit substances, or any associated paraphernalia at a school District location, the designated Administrator shall immediately report the information to the student's parent or legal guardian. If the violation involves illegal drugs or counterfeit substances or drug paraphernalia, the Administrator may also report the information to law enforcement agencies or officials if that is permitted under Utah Code § 53G-8-211. The identity of the school Administrator who reported the prohibited act shall not be disclosed to the student or the parent or legal guardian.

Utah Code § 53G-8-502 (2018)

Immunity for Good Faith Reporting—

A school employee who in good faith reports student use or possession of illegal drugs or alcohol, counterfeit substances, or any associated paraphernalia at a school District location in accordance with these provisions is immune from any civil or criminal liability resulting from that action.

Utah Code § 53G-8-504 (2018)

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Workers Compensation

Compliance with Statutory Requirements—

The Board will provide workers compensation benefits pursuant to state statutes and administrative regulations of the Division of Industrial Accidents within the Labor Commission. Provision of workers compensation benefits will be made for all persons entitled to such benefits under the law.

Unless specifically provided for by the Board, workers compensation benefits will not be augmented by concurrent payment of sick leave or other benefits.

Utah Code § 34A-2-101 et seq.
Utah Code § 34A-3-101 et seq.

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Procurement of Workers Compensation Insurance

Procurement of Workers Compensation—

Pursuant to Utah Code § 63G-6a-107.6(1), the Utah Procurement Code does not apply to contracts between public entities. The Board determines that it is not advantageous to the District to procure workers compensation insurance for employees of the District through standard procurement processes. Rather, the Board elects to secure workers compensation insurance coverage through joining a pool of other school districts in the state.

The Board determines that procurement of workers compensation insurance through standard procurement processes is not advantageous to the District because insurance available through those means does not provide the opportunity to closely control and monitor the costs of insurance claims, or the opportunity to develop and implement safety programs for District employees with more direct and immediate impact upon insurance cost savings.

By procuring workers compensation insurance through participation in a pool of school districts from the state, the District will be able to more directly control and monitor its insurance costs. The District will be able to develop and implement safety programs tailored specifically to the needs and characteristics of its employees. These tailored safety measures will have a more immediate impact on savings to the District.

On cost savings to the districts, by joining the pool and obtaining workers compensation insurance through this means, the District will be grouped with other similar risks rather than with other types of dissimilar businesses. For these reasons, the Board finds that procurement of workers compensation insurance through standard procurement processes would not be advantageous to the District.

Utah Code § 63G-6a-107.6(1) (2021)

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Personal Protective Equipment

Purpose—

The Board has determined that employees of the District must take accountability for assessing workplace hazards and wearing personal protective equipment (PPE).

Protective Equipment Assessment—

Each employee who works in any area of a District building or on District property that is around or uses electric or power operating equipment or chemicals of any nature shall:

1. Assess the dangers and hazards present in the working environment;
2. Submit a written assessment of the dangers and a plan as to safety precautions and to specify the PPE that will be worn whenever the chemicals are deployed or the power equipment is used.

Training—

As a part of orientation of employees who encounter hazards in the workplace, the head custodian of each school shall train employees in the following:

1. When PPE is necessary;
2. What PPE is necessary;
3. How to properly put on, wear, take off and adjust the PPE;
4. The limitations of the PPE;
5. The proper care, maintenance, useful life, and disposal of the PPE.

Eye and Face Equipment—

Employees must wear eye or face protection when they would otherwise be exposed to eye or face hazards from flying particles, molten metal or welding sparks, liquid chemicals, acids or other caustic liquids, chemical gases or vapors, or potentially injurious light radiation. Employees must wear eye protection that provides side protection when there is a hazard from flying objects or splashing liquids. Detachable side pieces are acceptable.

Prescription Lenses Notification and Responsibility—

Employees who wear prescription lenses while engaged in operations that involve eye hazards must wear eye protection that incorporates the prescription in its design, or wear eye protection that can be worn over the prescription lenses without disturbing the proper position of the eye protection.

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Head Protection—

Employees must wear head protection when working in areas where there is a potential for injury to the head from falling objects. In addition, head protection must be worn near exposed electrical conductors which could contact the head.

Foot Protection—

Employees must wear foot protection when working in areas where there is a danger of foot injuries due to falling or heavy rolling objects, or objects that may pierce the soles of shoes or where the employees' feet are exposed to electrical hazards.

Hand Protection—

Employees must use appropriate hand protection when employees' hands are exposed to hazards such as those from skin absorption of harmful substances, severe cuts or lacerations, abrasions, punctures, chemical burns, thermal burns and temperature extremes.

Employee Responsibilities—

Each employee has the duty upon entering the workplace to examine it carefully to determine if it is safe, to assess dangers, and to determine appropriate measures to be taken to maintain a safe working environment. After such an examination, it is the duty of each employee to make the place, tools and equipment safe. If the place and equipment cannot be made safe, then the employee must immediately report the unsafe place, tools, equipment or conditions to his or her immediate supervisor.

Compliance with Governing Rules—

An employee has a duty to:

1. Comply with all safety rules of the District and all federal and state laws and rules which are applicable to the employment;
2. Use safety devices, products, or tools to enhance general safety requirements that the District identifies to provide employees with a greater level of protection;
3. Be familiar with and comply with proper health and safety practices;
4. Use the required safety devices and proper personal protective equipment provided;
5. Follow all safe work procedures outlined by the District; and
6. Report all accidents to his or her immediate supervisor immediately.

Injuries at Workplace—

In the event that an employee is injured at District property within the scope of employment, and it is determined that the injury resulted from the employee's

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neglect of any of the requirements set forth in this policy, the employee will be subject to willful misconduct reduction of 15% pursuant to Utah Code § 34A-2-302(3)(a) whenever the injury is caused by the willful failure of the employee to:

1. Use safety devices when provided by the District; or
2. Obey an order or reasonable rule adopted by the District for the safety of the employee.

Use of Controlled Substances Leading to Injuries on the Job—

Disability compensation shall not be paid to any employee when a major contributing cause of the employee's injury is the employee's:

1. Knowing use of a controlled substance for which the employee did not obtain a valid prescription;
2. Intentional abuse of a controlled substance in excess of amount prescribed or use in an otherwise abusive manner; or
3. Intoxication with a blood alcohol level of .08 grams or greater as shown by a reliable test.

Disability compensation may be reduced when any of the above are a contributing cause of the injury but not the major contributing cause.

Utah Code § 34A-2-302 (2014)

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Retirement

Retirement—

The Board shall not require the retirement of any employee on the basis of age except pursuant to a valid district retirement program.

29 U.S.C. § 623(a), (f)

Social Security—

Every District employee is also covered by the federal Social Security system to the extent provided for by law.

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Risk Management Coverage for Employees

Risk Management Coverage of School District Employees—

The Board hereby elects to extend its insurance coverage available from risk management to cover employees in their individual capacities to the extent claims of liability arise from acts performed within the scope of the employee's employment with the District.

Notice to Employees—

No later than the first day of each school year, the District shall provide a copy to each employee of a disclosure prepared by the state risk manager regarding the coverage against liability provided to District employees pursuant to Utah Code § 63A-4-204(4)(b), which information shall include:

1. The eligibility requirements to receive coverage;
2. The basic nature of the coverage for District employees, including what is not covered;
3. Whether the coverage is primary or in excess of any other coverage provided to employees.

If the District hires a new employee after the first day of the school year, this notice shall be provided no later than ten days after the employee is hired.

Utah Code § 63A-4-204(4)(b), (d), (e) (2021)

Acknowledgement by New Employees—

The District shall require all newly hired employees to sign a separate document acknowledging that the employee has received the disclosure described above and that the employee understands the legal liability protection and what is not covered, as explained in the disclosure. The District shall retain the signed acknowledgment in the employee's personnel file.

Utah Code § 53G-11-202 (2018)

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Policy Exhibit #1 DEC

Acknowledgment of Legal Liability Protection

EMPLOYEE: _____ Date of Hire: _____

I am a newly hired employee of the District and have received from the District a disclosure of insurance coverage which is provided to employees through the Utah State Risk Manager. I state that I have read the disclosure prepared and provided through the Risk Manager through the School District office. I further state that I understand legal liability protection provided to me and what is not covered, as explained in the disclosure.

Unless indicated below, I have no questions or uncertainty about liability protection coverage.

Dated this ____ day of _____, 20___.

Employee:

_____

Witness:

_____

Utah Code § 53G-11-202.

Overtime

Overtime Requires Prior Approval—

Before overtime is recorded or overtime work is performed for the District, an employee shall obtain written or verbal approval from the employee's supervisor or from another officer or administrator having authority to authorize the overtime.

Overtime Work—

"Overtime work" is defined as time worked in the "work week," as defined by policy, exceeding 40 hours for a non-exempt employee in which non-exempt employee is compensated at a rate not less than 1 ½ times the employee's hourly rate.

Work Week—

"Work week" is defined as the period of time beginning at midnight between Saturday night and Sunday morning and ending the next Saturday midnight.

Regular Time—

Regular time is the number of hours an employee is authorized to work during the "work week" through 40 hours.

Location—

All regular time work and authorized overtime work must be completed on site unless prior authorization is obtained. Employees must receive written authorization prior to the start of any off-site work.

- "On-site work" is defined as work performed within the normal course and scope of employment at the District's regular places of business, e.g., schools, district office, bus warehouse, etc.
- "Off-site work" is any work performed at a location different than the District's regular places of business.

Time Keeping—

Each employee will comply with District time-keeping protocols by promptly recording daily regular time worked only by time clock or specific method prescribed by the District.

Failure to Comply—

Failure to comply with this policy and/or the District's overtime procedures may result in disciplinary action, up to and including termination.

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Educator Induction, Mentoring, and Professional Learning

Educator Induction Program—

The District and each school shall develop and implement an educator induction program for educators who are: licensed as associate educators, licensed as professional educators and have less than 3 years of experience teaching, and licensed under District-specific licensure during the first 3 years of working in the District. The induction program shall provide for:

1. A plan for on-going support and development of an educator, which may include reflective goal setting, implementation of action steps, and evaluation of outcomes that lead to refinement in instructional practice.
2. Assistance in meeting the Utah Effective Educator Standards (Utah Admin. Rules R277-530).
3. Mentoring (including observation and feedback beginning early in the program).
4. Evaluation consistent with Policy DG, including observation and feedback from the principal.
5. For associate educators, support in meeting the requirements for a professional educator license.

Utah Admin. Rules R277-308-3 (April 8, 2021)

Mentoring—

Mentors serving educators in the District's educator induction program must be licensed as professional educators and shall be trained to advise, coach, consult, and guide the development of a new educator. The mentor shall assist the educator in meeting the Utah Effective Educator Standards. A mentor may not act as the evaluator of an educator that the mentor is assigned to serve.

Utah Admin. Rules R277-308-2(2) (April 8, 2021)
Utah Admin. Rules R277-308-3 (April 8, 2021)

Learning Opportunities for Professional Educators—

Each year, each District employee holding a professional educator license shall be provided professional learning opportunities which upon completion would enable the employee to obtain the equivalent of twenty license renewal points as defined by Utah Administrative Rules R277-302-7, including trainings required by state law or State Board of Education rule. The District shall maintain documentation of these professional learning activities or shall provide the documentation to the employee. If an employee does not participate in these activities, the District shall notify the employee and the State Superintendent that the employee is not eligible to

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use the simplified license renewal provisions provided under Utah Administrative Rules R277-302-4(1)(a).

Utah Admin. Rules R277-302-6 (November 10, 2020)

Professional Learning Standards—

"Professional learning" means a comprehensive, sustained, and evidence-based approach to improving teachers' and principals' effectiveness in raising student achievement. "Evidence-based" means that a strategy demonstrates a statistically significant effect, of at least a 0.40 effect size, on improving student outcomes based on either strong evidence from at least one well-designed and well-implemented experimental study (as further defined by the State Board of Education) or moderate evidence from at least one well-designed and well-implemented quasi-experimental study (as further defined by the State Board of Education). "Evidence-informed" means that a strategy is developed using high-quality research outside of a controlled setting in the given field (as further defined by the State Board of Education) and includes strategies and activities with a strong scientific basis for use (as further defined by the State Board of Education). Professional development plans shall implement high quality professional learning which meets the following standards:

1. It occurs within learning communities committed to continuous improvement, individual and collective responsibility, and goal alignment;
2. It requires skillful leaders who develop capacity, advocate for professional learning and create support systems for professional learning;
3. It requires prioritizing, monitoring, and coordinating resources for educator learning;
4. It uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;
5. It integrates theories, research, and models of human learning to achieve its intended outcomes;
6. It applies research on change and sustains support for implementation of professional learning for long-term change;
7. It aligns its outcomes with:
    a. Performance standards for teachers and school administrators as described in rules of the State Board of Education and
    b. Performance standards for students as described in the core standards for Utah public schools adopted by the State Board of Education;
8. It incorporates the use of technology in the design, implementation, and evaluation of high-quality professional learning practices and includes targeted professional learning on the use of technology devices to enhance

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the teaching and learning environment and the integration of technology in content delivery; and

9. It uses evidence-informed core materials and evidence-based instructional practices and intervention materials.

Utah Code § 53G-11-303(1), (2) (2022)

State-Funded Professional Development—

The District shall use the funding provided by the State Board of Education under Utah Code § 53F-7-202 to provide paid professional development hours to the following educators: general education teachers, special education teachers, counselors, school administrators, school specialists, student support staff, school psychologists, speech language pathologists, and audiologists.

Utah Code § 53F-7-202(1) (2022)

The paid professional development hours provided with this state funding shall provide educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging state academic standards and may include activities that

1. improve and increase an educator's:
   a. knowledge of the academic subjects the educator teaches;
   b. time to plan and prepare daily lessons based on student needs;
   c. understanding of how students learn; and
   d. ability to analyze student work and achievement from multiple sources, including hot to adjust instructional strategies, assessments, and materials based on the analysis;
2. are an integral part of broad school-wide and District-wide educational improvement plans;
3. allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;
4. advance educator understanding of:
   a. effective and evidence-based instructional strategies; and
   b. strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of educators;
5. are aligned with, and directly related to, academic goals of the school or District; and
6. include instruction in the use of data and assessments to inform and instruct classroom practice.

Utah Code § 53F-7-202(3) (2022)

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Each educator who desires to use paid professional development hours funded by the State Board of Education shall:

1. Before the first day of instruction for a given school year, create a plan in consultation with the educator's principal on how the educator plans to use the paid professional hours during the school year; and
2. Before the end of a given school year, provide a written statement to the educator's principal of how the educator used the paid professional development hours during the school year.

Utah Code § 53F-7-202(4) (2022)

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Employees Suggestion Program

Purpose—

The Board hereby adopts and implements a program that provides District employees an opportunity to make anonymous suggestions to the Board to improve and promote education within the District.

Log of Suggestions—

A log shall be created of all written suggestions submitted to the Board at the District office.

Status of Recommendation—

The Board hereby classifies all entries into the employee suggestion log as “public” documents.

Confidential Information—

Log entries alleging inappropriate behavior by individuals shall not provide personally identifiable information. Any suggestion containing personally identifiable information is hereby identified as "private".

Board Action—

As a part of each regularly scheduled Board meeting, the Board shall receive a copy of the current log and may take appropriate action, if any, with respect to the suggestions.

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Employee Surveys

Definition—

For purposes of this policy, "educator" means a general education classroom teacher, a preschool teacher, a special education teacher, or a school-based specialist.

Utah Admin. Rules R277-325-2(1) (June 24, 2021)

Administration of Engagement Survey—

Beginning with the 2019-2020 school year and at least every other year thereafter, all educators in the District shall be requested to complete the Utah State Board of Education Model Public Education Engagement Survey through an online provider approved by the State Board of Education or a provider approved by the District. The survey shall be administered in alternating years with the school climate survey. (See Policy GCG School Climate Surveys.)

Utah Admin. Rules R277-325-4(1) (June 24, 2021)

If the District administers the survey through a provider other than one approved by the State Board of Education, the District shall provide the data from the surveys to the State Superintendent each year by June 30 in the manner required by the State Superintendent.

Utah Admin. Rules R277-325-4(3) (June 24, 2021)

The survey shall be administered so as to allow each educator to remain anonymous and shall ask the educator to identify the educator's school district. The survey may ask the educator to voluntarily identify the educator's school and may ask the educator to provide basic nonidentifying demographic data as requested by the State Superintendent. The District may also include additional questions along with the required survey questions. The survey may <u>not</u> request the educator's CACTUS ID number.

Utah Admin. Rules R277-325-4(4), (6)(a) (June 24, 2021)

Administration of Exit Survey—

At the time of separation from employment, the District shall request all educators who leave employment with the District to complete the Utah State Board of Education Model Public Education Exit Survey through an online provider approved by the State Board of Education or through a provider approved by the District.

Utah Admin. Rules R277-325-4(2) (June 24, 2021)

If the District administers the survey through a provider other than one approved by the State Board of Education, the District shall provide the data from the surveys to the State Superintendent each year by June 30 in the manner required by the State Superintendent.

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Utah Admin. Rules R277-325-4(3) (June 24, 2021)

Confidentiality of Survey Information—

All District staff are prohibited from identifying survey participants or to attempting to identify survey participants. Survey results shall be provided only to the Superintendent and the Superintendent's designee or designees. Data from answers to any additional District questions added to the model surveys shall be disseminated only as directed by the Superintendent.

Utah Admin. Rules R277-325-4(5), (6)(a) (June 24, 2021)

Access to Model Surveys—

The USBE model surveys can be obtained at the Utah State Board of Education offices and online at:

https://schools.utah.gov/administrativerules/documentsincorporated
Utah Admin. Rules R277-325-3(2) (June 24, 2021)

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Teacher Leader

Qualifications for Designation as a Teacher Leader—

The District may designate as a Teacher Leader a teacher who:

1. Has a professional educator license;
2. Either:
   a. Has an educator evaluation effectiveness rating of effective or highly effective for at least the two years prior to being designated as a teacher leader; or
   b. Has a successful or equivalent rating using the Board of Education approved evaluation system for at least the two years prior to being designated as a teacher leader;
3. Demonstrates competence in working with adult learners and peers;
4. Demonstrates:
   a. Consistent leadership;
   b. Focused collaboration;
   c. Distinguished teaching; and
   d. A commitment to ongoing professional growth; and
5. Is recommended by the building administrator to be designated as a Teacher Leader.

Utah Admin. Rules R277-307-3 (January 11, 2022)

Roles of a Teacher Leader—

Teacher Leaders shall maintain their assignment as a classroom teacher while fulfilling appropriate leadership responsibilities. This leadership may be provided in a school through formally or informally designated responsibilities. A Teacher Leader may perform the following functions:

1. Professional learning lead, including:
   a. Generally supporting school-based professional learning, or
   b. Serving as a learning designee or facilitator for professional learning activities;
2. Formally trained and recognized mentor, including:
   a. Modeling effective instructional strategies for other teachers;
   b. Training, supervising, and mentoring:
      i. Student teachers

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ii. New teachers; or

iii. Teachers that supervise student teachers; or

c. Coaching the development of effective instruction;

3. Lead or master teacher, including:
   a. Guiding other educators in collecting, understanding, analyzing, and interpreting student-achievement data and using those findings to improve instruction;
   b. Leading efforts to modify or improve curriculum; or
   c. Facilitating and coordinating professional learning communities;
4. Education policy advocate, including:
   a. Positively contributing to informed decisions made by policy makers; or
   b. Sharing information with colleagues regarding impact of policy on classroom practices;
5. School outreach lead, including:
   a. Leading specific school improvement initiatives; or
   b. Acting as a liaison for community projects; or
6. Education ambassador, including:
   a. Networking within and beyond local, state, and national education organizations; or
   b. Serving on task forces, committees, and advisory boards.

Utah Admin. Rules R277-307-4(1)-(3) (January 11, 2022)
Utah Code § 53E-6-902(2) (2020).

Teacher Leader Incentives—

As determined to be appropriate by the Board of Education, designated Teacher Leaders may be given a pay increase, bonus, or other financial incentive or may be given a reduction in the Teacher Leader's regular classroom workload.

Utah Admin. Rules R277-307-4(4) (January 11, 2022)

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Certified Employee Evaluation

Definitions—

For purposes of this policy, the following definitions apply:

1. "Administrator" means an individual who holds an appropriate license issued by the State Board of Education and who supervises educators.
2. "Career educator" means a licensed employee who has a reasonable expectation of continued employment under the policies of the Board.
3. "Educator" means an individual employed by the District who is required to hold a professional license issued by the State Board of Education, except:
   a. a superintendent, or
   b. an individual who:
      i. works less than three hours per day; or
      ii. is hired for less than half of the school year.
4. "Evaluator" means a person who is responsible for an educator's overall evaluation, including professional performance, student growth, stakeholder input, and other indicators of professional improvement.
5. "Provisional educator" means an educator employed by the District who has not achieved status as a career educator within the District.
6. "Rater" means a person who conducts an observation of an educator related to an educator's evaluation.
7. "Certified rater" means an educator who has been trained in evaluating educator performance and has demonstrated competency in using an educator evaluation tool to rate educator effectiveness according to established standards.
8. "Summative evaluation" is an annual evaluation that summarizes an educator's performance during a school year and that is used to make decisions related to the educator's employment.
9. "Committee" means the District's Educator Evaluation Program Committee.

Utah Code § 53G-11-501 (2020)
Utah Admin. Rules R277-533-2(2), (3), (4), (5) (June 7, 2018)

Educator Evaluation Program Committee—

To develop, support, monitor and maintain an educator evaluation program, the Board shall establish a committee comprised of an equal number of classroom teachers, parents, and administrators. Nominees for classroom teacher members shall be voted upon by the District's classroom teachers and a list of those

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individuals nominated shall be given to the Board. Nominees for parent representatives shall be submitted by community councils within the District. The Board shall appoint committee members from the nomination lists. The Board shall adopt an educator evaluation program in consultation with the Educator Evaluation Program Committee. The committee may:

1. adopt or adapt an evaluation program for educators based on a model developed by the State Board of Education; or
2. create its own evaluation program for educators.

The evaluation program developed by the committee must comply with the requirements of Utah Code Title 53G, Chapter 11, Part 5 and rules adopted by the State Board of Education.

Utah Code § 53G-11-506 (2019)

Periodic Written Evaluations—

The District shall have an evaluation system that provides systematic and fair written evaluations of educators of the District. Evaluations of educators shall occur annually. Such evaluations may be considered by the Board prior to any Board action concerning the individual's employment.

Utah Code § 53G-11-507(1)(a) (2019)

Evaluation Program Components—

The District's evaluation program for educators adopted by the Board in consultation with the Educator Evaluation Program Committee shall be a reliable and valid educator evaluation program that evaluates educators based on educator professional standards established by the Utah State Board of Education and includes:

1. a systematic annual evaluation of all provisional, probationary, and career educators
2. the use of multiple lines of evidence, including:
    a. self-evaluation;
    b. student and parent input;
    c. for administrator evaluation, employee input;
    d. a reasonable number of supervisor observations to ensure adequate reliability and consistent with Utah Admin. Rules R277-533-4;
    e. evidence of professional growth and other indicators of instructional improvement based on educator professional standards established by the State Board of Education;
    f. student academic growth data;

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3. a summative evaluation that differentiates among the four levels of performance.

The evaluation may provide for a reasonable number of peer observations.

For an administrator, the evaluation shall consider the effectiveness of the administrator evaluating employee performance in a school for which the administrator has responsibility or within the District.

The educator evaluation system may not use end-of-level student assessment scores.

Utah Code § 53G-11-507 (2019)

Deficiencies and Remediation—

The committee shall determine, for purposes of the educator evaluation program, what constitutes an inadequate performance or a performance in need of improvement as demonstrated by an educator's evaluation.

The person responsible for administering an educator's evaluation shall give an educator whose performance is inadequate or in need of improvement a written document clearly identifying a plan of assistance that includes:

1. specific, measurable, and actionable deficiencies;
2. the available resources that will be provided for improvement, including a mentor; and
3. a recommended course of action that will improve the educator's performance.

The educator is responsible for improving his or her performance, including using any resources identified by the District, and demonstrating acceptable levels of improvement in the designated areas of deficiencies; however, this, along with points (2) and (3) above, does not apply if the educator's unsatisfactory performance was documented for the same deficiency within the previous three (3) years and a plan of assistance was implemented.

An employee whose performance is unsatisfactory may not be transferred to another school unless the Board specifically approves the transfer of the employee.

Utah Code § 53G-11-517 (2018)
Utah Admin. Rules R277-533-3(4) (June 7, 2018)

Summative Evaluation and Review of Evaluation—

The person responsible for administering an educator's evaluation shall, at least fifteen (15) days before an educator's first evaluation, notify the educator of the evaluation process and give the educator a copy of the evaluation instrument, if an instrument is used.

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The person responsible for administering an educator's evaluation shall allow the educator to respond to any part of the evaluation and, if the response is written, attach the educator's responses to the evaluation.

Within fifteen (15) days after the evaluation process is completed, the person responsible for administering an educator's evaluation shall:

1. Discuss the written evaluation with the educator;
2. Based on the educator's performance, assign one of the four levels of performance.

An educator who is not satisfied with a summative evaluation has fifteen (15) days after receiving the written evaluation to request a review of the evaluation.

If a review is requested, the superintendent or the superintendent's designee shall appoint a person, not an employee of the District, who is a certified rater and has expertise in teacher or personnel evaluation to review and make written findings reported to the superintendent regarding the educator's summative evaluation. A review of an educator's summative evaluation shall be conducted in accordance with Utah Admin. Rules R277-533-8.

Utah Code § 53G-11-508 (2020)
Utah Admin. Rules R277-533-8 (June 7, 2018)

Mentor for New Educators—

Provisional educators and educators who meet the qualifications set out in Policy DFA shall be assigned a mentor who satisfies the requirements for mentors in Policy DFA

The educator shall be provided services by the mentor as set out in Policy DFA. A mentor assigned to an educator may not serve as an evaluator of that educator

Utah Code § 53G-11-509 (2019)
Utah Admin. Rules R277-301-8(2), (3) (June 7, 2022)
Utah Admin. Rules R277-308-2(2) (February 7, 2019)
Utah Admin. Rules R277-308-3 (February 7, 2019)

Educator Evaluation Data—

Educator evaluation records are private and are classified as private for purposes of the Utah Government Records Access and Management Act and shall only be accessed by the educator's principal or immediate supervisor, by those who need the information in those records in considering employment decisions, or by the superintendent or designee. Employees shall be trained regarding the confidential nature of employee evaluations and the importance of securing those evaluations and records. The District may not release or disclose student assessment information which reveals educator evaluation information or records.

Utah Admin. Rules R277-487-6 (November 8, 2019)
Utah Admin. Rules R277-533-9 (June 7, 2018)

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Rater Reliability Process—

Educator evaluations must be performed by certified raters and shall maintain high standards of rater accuracy. To that end, the District shall:

1. Create standardized ratings established by a committee of expert raters to be used for rater professional development and certification;
2. Provide professional development opportunities to all raters and evaluators of licensed educators to:
   a. Improve a rater or evaluator's abilities; and
   b. Give the rater or evaluator an opportunity to demonstrate the rater's abilities to rate an educator in accordance with the Utah Effective Educator Standards;
3. Designate qualified raters as certified;
4. Assure that educators are rated by a certified rater; and
5. Offer a rater opportunities to improve the rater's skills through instruction and practice.

Utah Admin. Rules R277-533-4(4) (June 7, 2018)

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Policy Exhibit #1 DG

[Pursuant to Utah Code § 53G-11-506, a district educator evaluation program is to be developed by each Board of Education in consultation with its joint educator evaluation committee. This Exhibit, which contains the basic elements required by statute and regulation, is meant to provide a template for consideration and discussion by the committee and Board of Education in establishing the evaluation program and the evaluation program adopted by the Board in consultation with the committee should reflect the particular decisions of the Board and committee.]

EDUCATOR EVALUATION

PURPOSE–

The purpose of the formal educator evaluation system of the _____ School District (referred to as District in this policy) is to ensure that the best possible instruction and learning are accomplished and to provide feedback to the educator in order to promote professional growth in conjunction with the educator's plan for professional development. The evaluation process is also intended to establish behaviors that contribute to student progress.

POLICY–

The _____ School District Board of Education understands the importance of ensuring that every child has an effective educator. Research shows that educator quality affects student achievement more than any other school-based variable. It is the policy of the _____ School District to focus on preparing, recruiting, and retaining quality educators as primary strategies to boost academic achievement. By linking educator evaluation with academic standards for students and professional standards for educators, the District intends to transform educator evaluation into a more effective tool for improving instructional practice and raising student achievement.

REFERENCES/DEFINITIONS–

1. “Administrator” is an individual who holds an appropriate license issued by the State Board and supervises educators.
2. “Career Educator” has the meaning given that term in Utah Code § 53G-11-501(2) and incorporates the requirements for career employee status in Utah Code § 53G-11-503
3. “Designee” as it pertains to a principal’s designee in this specific policy, is a district or school administrator holding an active administrative endorsement or pursuing such endorsement. This designation is not applicable to the Superintendent’s designee.

4. “Educator” means an individual licensed under Utah Code § 53E-6-201 who, as a condition of licensure, is required to comply with the standards and requirements of Utah Administrative Rule R277-530 and R277-531. For the purpose of this policy an educator does not include individuals who work less than three hours per day or who are hired for less than half of a school year, nor does it include the District superintendent
5. “Effectiveness Standards” means the Utah Effective Teaching Standards and Educational Leadership Standards established by the State Board of Education and set forth in Utah Administrative Rule R277-530-5 and Utah Administrative Rule R277-530-6.
6. “Formative Evaluation” means a formal evaluation that takes place yearly and provides Educators with information and assessments on how to improve their performance. The Administrator conducting a Formative Evaluation may review applicable and available Educator Evaluation Multiple Lines of Evidence to include, but not limited to observations, evidence, Educator effectiveness, stakeholder input, student growth and information obtained from at least two Walk-through Evaluations. This information may be used to “re-validate” the most recent Summative Evaluation or as a basis to conduct a formal Summative Evaluation. Formative Educator Evaluation is based on the Effectiveness Standards.
7. “Joint Educator Evaluation Committee” has the meaning given that term by Utah Code § 53G-11-506, and shall consist of four classroom teachers, four parents, and four administrators appointed by the _____ District Board of Education. Membership in the committee is temporary. The term of membership is four years unless otherwise extended or discontinued by the Board.
8. “Misconduct” means conduct that is designated as a cause for termination or disciplinary action under Utah Code § 53G-11-512 or Utah Code § 53G-11-501(15)(b), including a violation of District Policy or a reason for license discipline by the State Board of Education or as a basis for action recommended by the Utah Professional Practices Advisory Commission. Misconduct also includes, but is not limited to, a violation of work rules; a violation of Board policies, State Board of Education rules, directives issued by an administrator or supervisor, or law; a violation of standards of ethical, moral, or professional conduct; or insubordination.
9. “Probationary Educator” means an Educator employed by the District who has been advised by the District that the Educator’s performance is inadequate and is placed on a Plan of Assistance. The term may also include an Educator who is placed on “Formal Probation” for Misconduct. Educators placed on Formal Probation for Misconduct are not granted additional entitlements, rights, opportunities, or benefits as a condition of this policy and the remediation provisions do not apply.
10. “Provisional Educator” has the meaning given that term in Utah Code § 53G-11-503. Specifically, an educator must work for the District on at least

a half-time basis for three consecutive years to obtain career employee status. The District may extend the provisional status of an employee up to an additional two consecutive years as specified in District policy.

11. “Summative Evaluation” means the annual evaluation that summarizes an Educator’s performance during a school year and that is used to make decisions related to the Educator’s employment, including decisions on salary, continued employment, personnel assignments, transfers, or dismissals. The Summative Evaluation will be used to help maintain effectiveness in teaching.
12. “Temporary Educators” has the meaning given that term in District Policy DHA. While temporary educators will be evaluated annually, Temporary Educators serve at the will of the District and may be terminated at any time at the sole discretion of the District regardless of evaluation outcome. Compliance or failure to comply with this policy will not provide an expectation of continued employment or provide additional rights for at-will or Temporary Educators.
13. “Unsatisfactory performance” means a deficiency in performing work tasks which may be due to insufficient or undeveloped skills, or lack of knowledge or aptitude; and remediated through training, study, mentoring, practice, or greater effort. Unsatisfactory performance does not include Misconduct.
14. “Utah Effective Teaching Standards” are set forth in Utah Administrative Rule R277-530-5.
15. Utah Code governing Educator Evaluations is contained in Utah Code Title 53G, Chapter 11, Part 5.
16. State Board of Education regulations regarding educator evaluations are set forth in Utah Admin. Rules R277-531 and R277-533.

Educator Evaluation Training and Notification–

The District will explain the evaluation process and provide comprehensive training and implementation guidance to principals, require state evaluator certification and provide follow-up training as needed. District leadership will monitor and enforce compliance and intervene as necessary.

New Educator Evaluation and Mentor Assistance—

1. The principal shall assign a mentor teacher to work with each provisional Educator, Educator holding an associate educator license, Educator holding a professional educator license with less than three years of teaching experience, and Educator holding a District-specific license during the first three years of work with the District. The mentor shall assist the Educator to become effective and competent in the teaching profession and school system. The mentor teacher shall not serve as an evaluator of the Educator. While the mentor teacher shall provide reasonable guidance and direction, based on observation and knowledge,

it shall be the ultimate responsibility of the Educator to seek advice and assistance as necessary from the mentor teacher.

2. Provisional Educators will receive an annual Summative Evaluation using the District Educator Evaluation Instrument. The evaluation shall occur prior to March 1st. Administrators shall share and discuss summative ratings with provisional educators within 15 days of the observation.
3. Provisional Educators will receive formative evaluations as determined to be appropriate by the supervising administrator.
4. The second lowest level of four levels of performance for Provisional Educators shall be designated as “emerging effective.” If a Provisional Educator receives a rating of emerging effective, it shall not result in a withholding of the most recent legislative allocated salary adjustment.

Career Educator Evaluation—

1. Career Educators shall participate in and receive an annual Summative Evaluation.
2. All Career Educators shall participate in at least one annual Formative Evaluation, or such additional Formative Evaluations as determined to be appropriate by the supervising administrator.

Educator Evaluation Process—

1. The District’s Evaluation Instrument shall be based on the Utah Effectiveness Standards:
2. Educator Evaluation Multiple Lines of Evidence:
    a. Self-Evaluation: Each Educator shall engage in a self-assessment and develop a professional growth plan using the Effectiveness Standards no later than 30 days before the Summative Evaluation. Educators shall use the District on-line tool to conduct their self-assessment and document their professional growth plan.
    b. Instruction: The District will measure effective, consistent, and meaningful instruction using the principles and guidelines outlined in the Effectiveness Standards. This is primarily accomplished and documented using the District Evaluation Instrument through a reasonable number of observations and other indicators of instructional knowledge, skill, and ability.
    c. Student Academic Growth: The District will measure student academic growth using:
        i. Learning goals measuring long-term outcomes linked to the appropriate specific content knowledge and skills from the Utah Core Standards;
        ii. Assessments; and
        iii. Targets for incremental monitoring of student academic growth.

d. Stakeholder Input: Parents and students will be given the opportunity to provide input using available tools and web-based surveys. Data will be recorded and measured for both elementary and secondary schools to provide feedback on school climate and educator effectiveness.

e. Random Evaluation: (Walk-through Evaluation) At any time the principal or designee may randomly and informally evaluate an Educator and record observations using the applicable Effectiveness Standards and evaluation instruments.

f. Supervisor Observations: Evaluation will include a reasonable number of supervisor observations, sufficient in number to ensure adequate reliability. These observations shall meet the requirements of Utah Admin. Rules R277-533-4.

g. Professional Growth: Evaluation will address evidence of professional growth and other indicators of instructional improvement based on the Utah Effective Teaching Standards.

h. For Administrators, the evaluation shall include employee input and also shall assess the Administrator's effectiveness in evaluating the employee performance in a school for which the Administrator has responsibility or within the Administrator's assignment within the District.

3. Additional Evaluation Evidence:

   a. Portfolio Evidence

   b. Completed Professional Development

   c. Student or parent written praise or concerns

   d. Peer feedback or written praise or concerns

   e. PLC participation

   f. Archived evidence

4. Summative Evaluation:

   a. Differentiated Levels of Performance (third level based on license level):

      i. Highly Effective

      ii. Effective

      iii. Emerging Effective (applies to educators who are being served by the District's educator induction program, or received a new or different teaching or leadership assignment in the last school year, or are developing in that new area)

      iv. Minimally Effective (applies to educators who hold a professional educator license, are not being served by the District's educator

induction program, and are teaching or leading in a familiar assignment)

v. Not Effective

b. Components and Weight: Educators shall receive a Summative Evaluation rating based on:

i. Actual observations of the educator's performance; and

c. Educator, evaluator, student academic growth, or other stakeholder data gathered, calculated, or observed that is aligned with standards and rubrics. Each component will be measured by one or more of the Multiple Lines of Evidence. The Summative Evaluation system shall align with the above four differentiated levels of performance.

d. The administrator responsible for an Educator's Summative Evaluation shall allow the Educator to respond and gather evidence to any part of the Summative Evaluation and, if the response is written, attach the Educator's response and evidence to the evaluation.

e. Within 15 calendar days after the Summative Evaluation process is completed, the administrator shall discuss the written evaluation and evidence provided with the Educator and based on the Educator's performance assign one of the four levels of performance.

f. Administrators shall share and discuss summative ratings with career educators by the first Monday in March of each year. The evaluating administrator may conduct further Formative Evaluations throughout the school year and if needed hold a teacher conference, develop a performance improvement plan, a Plan of Assistance, and adjust the Summative Evaluation rating as appropriate following additional evaluation.

5. Summative Rating Review:

a. A career educator who is not satisfied with a Summative Evaluation rating may in writing request a review of the evaluation within 15 days after receiving the written evaluation.

b. If a review is requested, the Superintendent or the Superintendent's Designee shall appoint a person not employed by the District who is a certified rater and who has expertise in educator evaluation to review the evaluation procedures and make written findings reported to the superintendent regarding the Educator's Summative Evaluation in accordance with Utah Admin. Rules R277-533-8.

c. Upon receipt of the written findings, the District shall determine if the evaluation was issued in accordance with the District's evaluation policies, the requirements of the performance standards, Utah Code Title 53G, Chapter 11, Utah Administrative Rule R277-531, and Utah Administrative Rule R277-533.

6. Wage Increase and Legislative Supplemental Salary Adjustments
    a. An Educator that receives the lowest level ("Not Effective") on the most recent evaluation may not advance on the salary schedule. A Not Effective rating shall constitute a summative rating of less than satisfactory and subject the Educator to being placed on probation and to withholding of the most recent legislative allocated salary adjustment pursuant to Utah Code § 53F-2-405(4)(c) and Utah Administrative Rule R277-110-3.
    b. An Educator that receives the second-lowest level on an evaluation ("minimally/emerging effective") may not advance a step on the district salary schedule, unless that Educator is being served by the District's educator induction program or is in the first year of a new subject, grade level, or school assignment.
    c. The following events will subject the Educator to an interim withholding of the most recent legislative allocated salary adjustment until completion of the identified requirements regardless of evaluation results.
        i. Failure to complete licensing requirements within State Board or District authorized time limits until such requirements are completed. Teacher salary adjustments will resume the month following satisfactory completion of omitted requirements.
        ii. Placement on a District level Counseling/Probation form will result in a withholding of the most recent legislative allocated salary adjustment for a period of one year (12 months) commencing at the beginning of the next contract year following the issue date of the formal notice, regardless of evaluation results.
7. Educator Deficiencies:
    a. Notice of Improvement:
        i. The administrator shall give an Educator whose performance is inadequate or in need of improvement (evaluated as minimally effective or not effective) a written document clearly identifying:
            1. specific, measurable, and actionable deficiencies;
            2. the available resources that will be provided for improvement; and
            3. a recommended course of action that will improve the Educator's performance.
        ii. The Educator is responsible for improving performance, including using any resources identified by the District and demonstrating acceptable levels of improvement in the designated areas of deficiencies. The educator must sign the Notice of Improvement. (If the educator refuses to sign the Notice, the administrator will sign

the Notice with a note stating in substance that the Educator was given a copy of the Notice of Improvement on the date but refused to sign it.)

iii. An administrator is not required to remediate an Educator with a Notice of Improvement if the Educator's unsatisfactory performance was documented for the same deficiency within the previous three years and a plan of assistance was implemented.

b. Plan of Assistance:

i. If the District intends to not renew a career educator's contract for unsatisfactory performance or terminate a career educator's contract during the contract term for unsatisfactory performance, the District shall:

1. provide and discuss with the career educator written documentation clearly identifying the deficiencies in performance;
2. provide written notice that the career educator's contract is subject to non-renewal or termination if, upon a reevaluation of the career educator's performance, the career educator's performance is determined to be unsatisfactory;
3. develop and implement a plan of assistance in an attempt to allow the career educator an opportunity to improve performance;
4. re-evaluate the career educator's performance; and
5. if the career educator's performance remains unsatisfactory, give notice of intent to not renew or terminate the career educator's contract.

ii. The period of time for implementing a Plan of Assistance:

1. may not exceed 120 school days, except as provided in this policy;
2. may continue into the next school year;
3. should be sufficient to successfully complete the plan of assistance; and
4. shall begin when the career educator receives the written notice of deficient performance and end when the determination is made that the career educator has successfully remediated the deficiency or when the notice of intent to terminate is given.

iii. An administrator may extend the period of time for implementing a plan of assistance beyond 120 school days if:

1. a career educator has been approved and qualifies for leave under the Family Medical Leave Act during the time period the plan of assistance is scheduled to be implemented; or
2. For other compelling reasons as approved by the Board if the leave was scheduled before the employee was placed on a Plan of Assistance.

iv. If upon a reevaluation of the career educator's performance, the District determines the career educator's performance is satisfactory, and within a three-year period after the initial documentation of unsatisfactory performance the career educator's performance is determined to be unsatisfactory for the same deficiency, the District may elect to not renew or terminate the career educator's contract without implementing a new Plan of Assistance.

v. If the District intends to not renew or terminate a career educator's contract for performance under this section, the District will provide written documentation of the career educator's deficiencies in performance; and give notice of intent to not renew or terminate the career educator's contract.

vi. Nothing in this Policy shall prevent the District from taking appropriate disciplinary action for Misconduct as defined in this Policy, the Utah Code, Utah Administrative Rule, or District Policy DHA.

vii. At the conclusion of the post observation conference, the employee has 15 school days to request one additional evaluation. The additional evaluation may be conducted by the same administrator or one selected by the district.

Classified Employee Evaluation

Definition—

For purposes of this policy, a "classified employee" means a District employee who is working in a position that does not require a Utah educator license.

Utah Admin. Rules R277-532-2 (May 8, 2018)

Classified Employee Evaluation—

Classified employees shall be evaluated on at least an annual basis using a written evaluation instrument. The evaluation shall be administered by the principal or by an appropriate supervisor designated by the principal. The evaluation instrument shall incorporate the job description and job duties of the employee, in addition to standards with regard to attendance, compliance with District policies, and other appropriate matters. The evaluation shall be completed at least 90 days prior to the end of the contract year.

Utah Admin. Rules R277-532(1)(c) (May 8, 2018)
Utah Code § 53G-11-504(1) (2020)

A copy of the written evaluation shall be provided to the employee promptly following completion. The employee may appeal violations of the evaluation procedure (but not the substance of the evaluation) by submitting a grievance under the District's grievance policy.

Utah Admin. Rules R277-532-3(1)(c)(v) (May 8, 2018)

No evaluation is required for temporary or part-time classified employees of the District.

Utah Admin. Rules R277-532-3(3) (May 8, 2018)
Utah Code § 53G-11-504(2) (2020)

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Liability:
Volunteers

Immunity from Liability—

Volunteers who are properly recognized by the school or by the District and who are performing an approved service as assigned by the school or District are considered an employee of the District for purposes of:

1. receiving worker's compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under the Worker's Compensation Act;
2. the operation of motor vehicles or equipment if the volunteer is properly licensed and authorized to do so;
3. liability protection and indemnification normally afforded paid employees of the District.

A "volunteer" is a person who donates services without pay or other compensation except expenses actually and reasonably incurred as approved by the District. A volunteer may not donate any service to the District unless the volunteer's services are approved by the Superintendent or an authorized designee.

Utah Code § 67-20-3 (2022)
Utah Code § 67-20-4 (2022)
Utah Admin. Rules R37-1-4 (June 1, 2010)

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Orderly School Termination for Employees

Definitions—

For purposes of this policy, the following definitions apply:

1. "Career Employee"
   a. An employee of the District who has obtained a reasonable expectation of continued employment. An employee who works for the District on at least a half-time basis becomes a career employee upon the successful completion of at least three (3) full consecutive academic school years with the District as a provisional employee (the District may extend the three-year provisional status of an employee up to an additional two (2) consecutive years). If the provisional employee starts after the beginning of the school year, that school year does not count toward "career employee" status. Successful completion is determined by performance of all contractual duties within standards acceptable to the District.
   b. An employee who has obtained a reasonable expectation of continued employment under this policy and then accepts a position with the District which is substantially different from the position in which career status was obtained shall become a provisional employee. An employee with career status who is separated from employment with the District and later returns to work with the District shall upon return be a provisional employee.

   Utah Code § 53G-11-501(3) (2020)
   Utah Code § 53G-11-503 (2018)
2. "Provisional Employee"
   a. Any employee who has not achieved career employee status is a "Provisional Employee." A provisional employee is an employee, who works for the District on at least a half-time basis, hired on an individual, one-year contract and who is not a temporary employee. Provisional employees have no expectation of continued employment beyond the current one-year contract term. Provisional employees are employed at will and their employment can be terminated at the discretion of the Board of Education except that provisional employees can be discharged during the term of each contract only for cause. The District may extend the provisional status of an employee up to an additional two consecutive years by written notification to the provisional employee no later than 30 days before the end of the contract term of that individual. Circumstances under which an employee's provisional status may be extended include: (1) less-than-perfect score on a performance evaluation; or (2) receipt of complaint(s) or expression(s) of concern from a parent, coworker, or member of the community that creates uncertainty about the employee's

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professionalism, performance, or character; (3) declining student enrollment in the district or in a particular program or class; (4) the discontinuance or substantial reduction of a particular service or program; or (5) budgetary concerns.

Utah Code § 53G-11-501(10) (2020)
Utah Code § 53G-11-503 (2018)

3. "Classified Employees"
   a. Classified Employees are all non-certified employees of the District.
4. "Temporary Employee"
   a. Temporary employees are all employees employed on a temporary basis. Temporary employees also include those seasonal employees who are employed for less than the full academic year. An appointment of a temporary employee may not be for a period of time greater than one year. Temporary employees are employed at the will of the District and have no expectation of continued employment and their employment may be terminated at any time without cause. Temporary employees are not career employees or provisional employees as defined by Utah Code § 53G-11-501 and the policies of this District.

      Utah Code §53G-11-501(14) (2020)
5. "Contracted Service Providers"
   a. Contracted Service Providers are individuals regardless of employment status (full or part-time) who by nature of their profession are not required to hold a professional certificate issued by the Utah State Board of Education who are paid by contract to provide specific types of services for the District but who are not employees, are not on the District payroll and do not receive the same benefits enjoyed by regular employees of the District.
6. "Extra Duty Contracts"
   a. An employee who is given extra duty assignments in addition to a primary assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary employee in those extra duty assignments and may not acquire career status beyond the primary assignment. There are no rights to a due process hearing if a person is released from coaching or an extra duty position. A person may be released from a coaching or extracurricular position at the discretion of the Board.
7. "Employee"
   a. A person, other than the District superintendent or business administrator, who is a career or provisional employee of the District.

      Utah Code § 53G-11-501(7) (2020)

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8. "Contract Term or Term of Employment"
   a. The term of employment is the period of time during which an employee is engaged by the District under a contract of employment, whether oral or written. Notwithstanding, all contracts of employment shall be in writing.
9. "Dismissal or Termination"
   a. An employee shall be deemed to be discharged upon occurrence of any of the following events:
      i. Termination of the status of employment of an employee.
      ii. Failure to renew the employment contract of a career employee.
      iii. Reduction in salary of an employee not generally applied to all employees of the same category employed by the District during the employee's contract term.
      iv. Change of assignment of an employee with an accompanying reduction in pay unless the assignment change and salary reduction are agreed to in writing.

      Utah Code § 53G-11-501(5) (2020)
10. "Unsatisfactory performance"
   a. a deficiency in performing work tasks which may be:
      i. due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
      ii. remediated through training, study, mentoring, or practice.
   b. does not include the following conduct that is designated as a cause for termination or a reason for license discipline:
      i. a violation of work policies;
      ii. a violation of District policies, State Board of Education rules, or law;
      iii. a violation of standards of ethical, moral, or professional conduct; or
      iv. insubordination.

      Utah Code § 53G-11-501(15) (2020)

Causes for Dismissal or Non-Renewal—

Any employee may be suspended or discharged during a contract term for any of the following:

1. Insubordination or failure to comply with directives from supervisors;
2. Incompetence;
3. Conviction, including entering a plea of guilty or nolo contendere (no contest), of a felony or misdemeanor involving moral turpitude or immoral conduct;

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4. Conduct which may be harmful to students or to the District;
5. Improper or unlawful physical contact with students;
6. Any violation of the District's Employee Code of Conduct, Policy DAI;
7. Violation of District policy, State Board of Education rules, or law;
8. Unprofessional conduct not characteristic of or befitting a District employee including a violation of standards of ethical, moral, or professional conduct;
9. Manufacturing, possessing, using, dispensing distributing, selling and/or engaging in any transaction or action to facilitate the use, dispersal or distribution of any illicit (as opposed to authorized) drugs or alcohol on District premises or as a party of any District activity;
10. Current addiction to or dependency on a narcotic or other controlled substance.
11. Dishonesty or falsification of any information supplied to the District; including data on application forms; employment records or other information given to the District;
12. Engagement in sexual harassment of a student or employee of the District;
13. Neglect of duty, including unexcused absences, excessive tardiness, excessive absences, and abuse of leave policies or failure to maintain certification;
14. Deficiencies pointed out as part of any appraisal or evaluation;
15. Failure to fulfill duties or responsibilities or a violation of work rules;
16. Inability to maintain discipline in the classroom or at assigned school-related functions;
17. Drunkenness or excessive use of alcoholic beverages or controlled substances;
18. Disability not otherwise protected by law that impairs performance of required job duties;
19. Failure to maintain an effective working relationship, or to maintain good rapport with parents, co-workers, the community or colleges;
20. Failure to maintain requirements for licensure or certification;
21. Unsatisfactory performance;
22. For any other reason justifying termination of employment for cause.

Termination for Unsatisfactory Performance—Procedural Due Process—Notice to Career Employee of Unsatisfactory Performance—

If the District intends not to renew the contract of a career employee for reasons of unsatisfactory performance it shall:

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1. Notify the employee at least 30 days prior to issuing a notice of intent not to renew the employee's contract that continued employment is in question and the reasons for anticipated non-renewal;
2. The Principal or designee shall provide and discuss with the employee written documentation clearly identifying the deficiencies in performance;
3. The Principal or designee shall develop and implement a plan of assistance, in accordance with procedures and standards established by Policy DG or Policy DGA, to allow the employee an opportunity to improve performance;
4. Provide to the employee a sufficient time period to successfully complete the plan of assistance of at least 30 days but not more than 120 days in which to correct the deficiencies; except the 120-day limit may be extended when:
    a. an employee is on leave from work during the time period the plan of assistance is scheduled to be implemented; and the leave was approved and scheduled before the written notice intent not to renew was provided; or
    b. the leave is specifically approved by the Board.
5. The time period to correct the deficiencies may continue into the next school year;
6. The time period to implement the plan of assistance and correct the deficiencies shall begin when the employee receives the written notice provided under Subsection (1) and end when the determination is made that the employee has successfully remediated the deficiency or notice of intent to not renew or terminate the employee's contract is given in accordance with Subsection (8);
7. The Principal or designee shall reevaluate the employee's performance;
8. If upon a reevaluation of the employee's performance, the District determines the employee's performance is satisfactory, and within a three-year period after the initial documentation of unsatisfactory performance for the same deficiency pursuant to Subsection (2), the employee's performance is determined to be unsatisfactory, the District may elect to not renew or to terminate the employee's contract.
9. If the employee's performance remains unsatisfactory after reevaluation, the Superintendent or designee shall give notice of intent to not renew or to terminate the employee's contract, which shall include written documentation of the employee's deficiencies in performance.
10. Nothing in this Policy shall be construed to require compliance with or completion of evaluations prior to non-renewal of a career employee's contract.

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11. An employee whose performance is unsatisfactory may not be transferred to another school unless the Board specifically approves the transfer of the employee.

    Utah Code § 53G-11-514 (2018)
    Utah Code § 53G-11-517 (2018)

Notice of Intent not to Renew Contract of Career Employee—

If the District intends not to renew the contract of employment of a career employee after giving notice that continued employment is in question, it shall:

1. Give notice that a contract of employment will not be offered for the following school year to the individual.
2. Issue notice at least 30 days before the end of the contract term of the individual.
3. Serve notice by personal delivery or certified mail to the employee's most recent address shown on the district's personnel records.

Notice of Intent to Terminate Employment During Term of Contract—

If the District intends to terminate an employee's contract during the contract term, the District shall:

1. Give written notice of that intent to the employee;
2. Serve the notice by personal delivery or by certified mail addressed to the individual's last known address.
3. Serve the notice at least 30 days prior to the proposed date of termination;
4. State the date of termination and detailed reasons for termination.
5. Give notice of the individual's right to appeal the decision to terminate employment and the right to a hearing and the right to legal counsel, to present evidence, cross-examine witnesses and present arguments at the hearing.
6. Notify the employee that failure to request a hearing within 15 days after the notice of termination was either personally delivered or mailed to the employee's most recent address shown on the district's personnel records shall constitute a waiver of the right to contest the decision to terminate.

    Utah Code § 53G-11-513 (2018)

Notice of Intent Not to Offer a Contract to a Provisional Employee—

If the District intends not to offer a contract of employment for the succeeding school year to a provisional employee, it shall give notice at least 60 days before the end of the provisional employee's contract term that the employee will not be offered a contract for a following term of employment. Because provisional employees do not have an expectation of continued employment, they do not have a right to grieve the decision not to renew employment and do not have a right to a hearing.

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Utah Code § 53G-11-513 (2018)

Notice of Intent to Terminate or Not Offer a Contract to a Temporary Employee—

Temporary employees will be given notice of a minimum of 10 working days of the termination of their employment. Because temporary employees do not have an expectation of continued employment, they do not have a right to grieve the decision to terminate or not to extend employment and do not have a right to a hearing.

Expectation of Continued Employment in Absence of Notice—

In the absence of a notice, a career or provisional employee is considered employed for the next contract term with a salary based upon the salary schedule applicable to the class of employees into which the individual falls.

This provision does not preclude the dismissal of a career or provisional employee during the contract term for cause.

Utah Code § 53G-11-513 (2018)

Right to an Informal Conference—

A notice of intention not to renew the contract of a career employee or of an intention to terminate the contract of a career or provisional employee during its term must advise the individual that he or she may request an informal conference before the Superintendent or Superintendent's designee. The request for an informal conference must be made in writing and delivered to the Superintendent's within 10 days of the date on the notice of intention not to renew or notice of termination during the contract term. The informal conference will be held as soon as is practicable. Suspension pending a hearing may be without pay if the Superintendent or a designee determines after the informal conference, or after the employee had an opportunity to have an informal conference, that it is likely that the reasons for cause will result in termination.

Utah Code § 53G-11-513 (2018)

Employee's Right to Hearing—

A notice of intention not to renew the contract of a career employee or of an intention to terminate the contract of a career or provisional employee during its term must also advise the individual that if after the informal conference the employee wishes a hearing on the matter, he or she must submit written notice to that effect to the Superintendent's office within five (5) days of the informal conference. If the employee wishes to not have an informal conference, but does wish to have a hearing, he or she must submit written notice to that effect within 15 days of the date on the notice of intent not to renew or notice of termination during the contract term. Upon timely receipt of the notice, the Superintendent will notify the Board, which will then either appoint a hearing examiner or hearing board or determine to hear the matter itself. In either case, the Board will then send notice of the date, time and

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place of hearing to the Superintendent and to the employee. If the employee does not request a hearing within 15 days, then the employee shall have waived any right to a hearing and to contest the decision.

Utah Code § 53G-11-513 (2018)

Appointing a Hearing Examiner—

If the Board of Education determines that the hearing shall be conducted by a hearing examiner or board, it shall so advise the Superintendent to appoint a board of three District administrators who have no substantial knowledge of the facts of the case or select an independent hearing examiner.

In so appointing a hearing examiner or hearing board, the Board of Education may delegate its authority to the hearing officer or hearing board to make findings and decisions relating to the employment of the employee that are binding upon both the employee and the Board of Education. In the absence of an express delegation, the Board retains the right to make its own decision based on the factual findings of the hearing officer.

Utah Code § 53G-11-515(1) (2021)

Rights of Employee at a Hearing—

At the hearing, the employee and administration each have right to counsel, to produce witnesses, to hear testimony, to cross-examine witnesses, and to examine documentary evidence.

Utah Code § 53G-11-515(2) (2021)

Hearing Record—

Hearings before the Board or before a hearing examiner appointed by the Board shall be recorded at the District's expense.

Utah Code § 53G-11-515(4) (2021)

Decision—

Within 15 days after the hearing, the person or entity that conducted the hearing, whether the hearing examiner, hearing board, or Board of Education, shall issue written findings and conclusions deciding the matter. These shall be provided to the employee by mail or personal delivery.

In the event the decision of the board or hearing officer is to not terminate the employment of the employee, then the employee shall be reinstated and back pay shall be paid if the employee was suspended without pay pending a hearing.

Utah Code § 53G-11-513 (2018)

Appeal of Decision—

The final decision or action of the Board may be appealed to the Utah Court of Appeals as provided in Utah Code § 53G-11-515(5).

Utah Code § 53G-11-515(5) (2021)

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Suspension During Investigation—

The active service of an employee may be suspended by the Superintendent pending a hearing if it appears that the continued employment of the individual may be harmful to students or to the District. The employee shall be provided written notice of the suspension, which may be included with written notice of termination of employment during the contract term or notice of non-renewal of contract.

Utah Code § 53G-11-513 (2018)

Necessary Staff Reduction Not Precluded—

Nothing in this policy prevents staff reduction if necessary to reduce the number of employees because of the following:

1. declining student enrollments in the district;
2. the discontinuance or substantial reduction of a particular service or program;
3. the shortage of anticipated revenue after the budget has been adopted; or
4. school consolidation.

Utah Code § 53G-11-516 (2018)

No Verbal Agreements—

It is the policy of the District that all agreements with employees must be written; there are no verbal agreements because all agreements must be approved by the Board of Education. Only the Board of Education has authority to hire and fire unless such authority has been expressly delegated in writing.

Notification to Utah Professional Practices Advisory Commission—

The Superintendent shall notify the Utah Professional Practices Advisory Commission if an educator is determined, in any judicial or administrative proceeding, to have violated any of the Utah Educator Standards. If possible, this notification shall be made using the form provided by the UPPAC Executive Secretary. In submitting the notification to UPPAC, the Superintendent may make a recommendation to the UPPAC Executive Secretary regarding whether UPPAC investigation would be appropriate under the circumstances, taking into consideration any employment action taken by the District. Notice is not required to be given if there are no other proceedings other than a District administrative proceeding and the District's proceeding determines that the allegations constituting the violation are unsupported. (A criminal charge would be an example of another proceeding.)

Utah Admin. Rules R277-217-5 (April 8, 2021)

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Reduction in Force

Purpose—

The Board of Education recognizes that from time to time it may be necessary to reduce in force under certain circumstances. Any time a reduction in force becomes necessary, the primary goal of the Board is to identify those positions which can be eliminated, combined, or reduced to meet the needs of the District. The maintenance of educational programs is the top priority when a reduction in force becomes necessary.

Delegation—

The Board of Education hereby delegates to the Superintendent the duty to identify which programs or positions should be eliminated, combined, or reduced whenever a reduction in force becomes necessary. In suggesting such action, the Superintendent should consider:

1. Why the Reduction in Force is necessary.
2. Which positions can best be eliminated, combined or modified to meet the educational goals of the School District.

In considering which positions to eliminate, combine or modify in the best interests of education in the school district, the Superintendent may, in his discretion, consider the following factors:

1. the results of an employee's performance evaluation; and
2. a school's personnel needs.

Necessary Reductions—

The School District may reduce the number of employees in force, combine, or modify positions or programs without following Orderly Termination Policies of the School District only when it becomes necessary to reduce the number of employees for one or more of the following reasons:

1. Declining student enrollments in the School District;
2. Discontinuance of a particular service or program;
3. The shortage of anticipated revenue after the budget has been adopted; or
4. School consolidation.

"Last Hired, First Fired" Procedure for Layoffs Prohibited—

The District may **not** utilize a last-hired, first-fired procedure for layoffs when terminating District employees. "Last-hired, first-fired procedure for layoffs" means staff reduction that mandates the termination of an employee who started to work for the District most recently before terminating a more senior employee.

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Scope of Policy—

This policy applies to reduction in force of both classified and certified employees.

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Redress of Grievances

Purpose—

The purpose of this policy is to provide employees an orderly process for the prompt and equitable resolution of grievances. The Board intends that, whenever feasible, complaints be resolved at the lowest possible administrative level.

Redress of Grievances—

Employees shall have the right, in a peaceable manner that does not interfere with education in the District, to assemble together for their common goals and apply to those vested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance.

Evaluations—

Teachers may present grievances regarding the evaluation process according to the District's evaluation processes or as set out in the statute regarding evaluations. Those policies and laws shall govern grievances regarding teacher evaluations rather than this policy. Classified employees may present grievances regarding evaluations under this policy.

Utah Code § 53G-11-507 (2019)
Utah Code § 53G-11-508 (2020)

Right to Representation—

An employee, or where appropriate a group of employees, may present a grievance through another person or organization recognized by the Board regarding any adverse employment action or administrative action decision negatively affecting the employee.

Freedom from Retaliation—

No retaliatory action shall be taken by the Board or any administrator against an employee or other participant in a grievance proceeding because of participation in the grievance procedure.

Presentation—

An employee's legal right to present a grievance is satisfied at each level when someone in a position of authority hears the employee's concern; however, that authority is under no legal compulsion to take action to rectify the matter.

Board's Role—

The Board shall provide an opportunity for employees to present their grievances for Board consideration. At the option of the Board grievances may be reviewed solely at the administrative level by a school principal or the Board may exercise its discretion to hear a grievance at a regular meeting in executive session or at such other times as the Board may determine.

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Notice to Employees

Principals of each school shall be responsible for informing all employees under their supervision of the District's employee grievances policy.

Definitions—

1. Complaint
   a. A complaint must specify the individual harm suffered.
2. A grievance under this policy shall include:
   a. Grievances concerning an employee's wages, hours, or conditions of work or other adverse employment action decisions affecting an employee.
   b. Specific allegations of unlawful discrimination in employment or education programs on the basis of sex (but not including allegations of sexual harassment), race, religion, national origin, age, disability, sexual orientation, or gender identity or on the basis of the employee's exercise of constitutional rights.
   c. Alleged violations of State Board rules or of policies adopted by the Board.
   d. Alleged violations of a constitutional, statutory, or common law right.
3. Aggrieved Party
   a. An aggrieved party is an employee who alleges a violation of a constitutional, statutory, or common law right, or of a State Board rule or local Board policy. An employee who files a grievance is not necessarily an "aggrieved party". Different procedures may apply to "aggrieved parties" than to "complainants". Those distinctions shall be determined on a case-by-case basis.

Presentations and Hearings—

In most circumstances, complainants shall be entitled to administrative review conferences and an informal presentation of the complaint to the Board at the Board's discretion; however, this provision shall not be construed to create an independent right to a hearing before the Board in addition to hearings required by law. Aggrieved parties whose legal rights have been adversely affected such that they are entitled to some type of due process hearing shall be offered a hearing before the Board or its designee. Upon receipt of the written request for a hearing, the Superintendent shall determine whether an aggrieved party is legally entitled to more than a presentation and, if so, the type of hearing appropriate.

Aggrieved Party—

An employee aggrieved by a violation of a constitutional, statutory, or common law right, a rule adopted by the State Board of Education, or a policy adopted by the Board shall be afforded a hearing before the Board in accordance with applicable law. However, this provision shall not be construed to create an

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independent right to a hearing before the Board in addition to any hearing required by law.

Request—

The aggrieved employee shall make a written request for a hearing, identifying specifically the claimed violation and the relief requested. The written request shall be deemed filed upon receipt by the Superintendent's office. The request shall be filed with the Superintendent's office not more than 15 days after the claimed violation.

Hearing—

The school principal or designee shall conduct a hearing within 30 days of receipt of a written request. However, the hearing may be postponed by mutual consent. The principal or designee shall notify the aggrieved employee in writing of the time and place of the hearing. The Board shall notify the aggrieved employee of its decision in writing within 15 days after the hearing.

Other Review Processes

Employee termination and non-renewal procedures are found in policy series D and such actions are not subject to the procedures set forth in this section. Procedures for complaints regarding sexual harassment (a form of sex discrimination) are set forth in Policy DKB and Policy FHAB. Those procedures apply rather than the procedures in this policy.

Representation

The employee registering a complaint or any employee who is the subject of a complaint may be represented at his or her own expense by a fellow employee, attorney, other person, or organization. The District may be assisted in processing complaints as it deems appropriate.

General Provisions

The following shall be general provisions for processing grievances:

1. Grievances shall be heard in informal administrative conferences.
2. Time is of the essence. All time limits shall be strictly complied with, except if extended by mutual consent. All references are to calendar days, unless otherwise indicated.
3. The appropriate administrator at each level shall respond to the employee within seven working days of a grievance conference. Oral grievances may receive an oral or written response, and written grievances shall receive a written response.
4. The employee has seven working days after a response to appeal to the next level. The grievance shall be considered concluded if at any level it is not appealed within the given time limit.

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5. All grievances arising out of an event or condition or related series of events must be addressed in one grievance. An employee may not bring separate or serial grievances concerning events or conditions about which the employee has previously complained.

Level One—

Any employee having a grievance shall meet with the Principal or immediate supervisor within fifteen days of the time the employee first knew, or should have known, of the event, condition, or series of events upon which the grievance is based.

Level Two—

If the employee is not satisfied with the outcome of the grievance conference at Level One, the employee may meet with the Superintendent or a designee to discuss the grievance within seven working days after receiving the response.

At or prior to the conference with the Superintendent or designee, the employee shall submit a written description of the basis of the grievance, the date(s) it occurred, the remedy sought, and the date the employee conferred with the Principal or immediate supervisor.

Level Three—

If the outcome of the grievance conference at Level Two is not to the employee's satisfaction, an employee wishing to appeal shall file a written request with the Superintendent for a Board hearing at the next regular meeting. In matters involving an aggrieved party, the meeting shall be held within 30 days after the date the written request for a Board hearing was filed with the Superintendent, unless postponed by mutual consent. The Board shall notify the aggrieved employee in writing of the time and place of the hearing. The Board shall provide written notification to the aggrieved employee of its decision within 15 days after the hearing.

The Board may designate a portion of its regular monthly meeting to hear employee grievances. However, the Board shall not discuss any subject that is not included in the written notice (posted agenda) for the meeting, other than to propose to place it on the agenda for a subsequent meeting.

The Board President may set reasonable time limits on grievance presentations. The Board shall listen to the grievance but is not required to respond or take any action on the matter unless the grievance is from an aggrieved party.

Aggrieved parties who are entitled to some type of due process hearing shall be afforded that hearing with the Board or its designee at Level Three. If the Board's designee conducts the hearing, the designee shall make a recommendation to the Board at a meeting held within 30 days of the date the request for a Board hearing was filed with the Superintendent. The employee shall be given an opportunity to respond to the recommendation either orally or in writing.

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Closed Hearing—

If the grievance involves the character, professional competence, or physical or mental health of the employee bringing the grievance, it shall be heard by the Board in a closed meeting, unless the employee requests that it to be heard in public. If the grievance involves complaints or charges against another person, it shall be heard by the Board in a closed meeting, unless the person complained about requests that it be heard in public.

Utah Code § 52-4-205(1)(a) (2022)

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Credit for Prior Teaching

Credit for Experience—

In the event the District negotiates the amount paid as salary, step and ladder placement for an individual contract of employment with a new certified employee in the District, the Board shall grant credit for prior teaching experience in the public schools of the State of Utah.

Utah Code § 53F-2-305(3) (2022)

Partial Year Experience—

In calculating credit for experience for compensation purposes only, the certified employee shall be given partial credit for less than a full school year in an amount proportionate to that part of the year worked by the employee.

Interpretation of this Policy—

Nothing in this policy shall be construed to require recognition of prior credit for teaching outside the District or for partial credit for less than a full school year in determining whether a certified employee has an expectation of continued employment under the District's Orderly Termination Policy.

Further, nothing in this policy shall be construed to mean that teaching experience is the only or most important factor in making employment decisions because certified employees should be employed based upon all factors related to professional qualifications.

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Employment Relations:
Employee Associations and Wage Deductions

Association Membership—

No person shall be granted or denied District employment by reason of membership or non-membership in any labor organization, labor union or any other lawful type of association.

Utah Code § 34-34-2 (2011)

Deductions for Association Dues—

The District shall, upon written request from an employee, deduct a specified sum from the employee's wages, not to exceed 3% per month, and pay such sum to the employee association designated by the employee for association dues. The District shall cease making such deductions upon written request from the employee directing that the deductions cease.

Utah Code § 34-32-1 (2011)

Deductions for Political Purposes Prohibited—

The District may not deduct any amount from an employee's wages which are to be paid to:

- A candidate;
- A personal campaign committee;
- A political action or political issue committee;
- A registered political party;
- A political fund; or,
- Any entity established by a labor organization (including any employee association) to solicit, collect, or distribute monies primarily for political purposes.

The District shall comply with the requirements of this policy in employing any personnel either by individual contract or collective bargaining.

Utah Code § 34-32-1.1 (2012)
Utah Code § 53G-11-202 (2018)
Utah Code § 20A-11-101(4), (33), (35), (38), (51) (2022)
Utah Code § 20A-11-1402(1)(c) (2004)

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Employment Relations:
Employee Associations and Leave

Definitions—

Employment Association—

Is an association that negotiates employee salaries, benefits, contracts, or other conditions of employment or performs union duties.

Association Leave—

Is leave from a District employee's regular responsibilities granted for the employee to spend time for association, employee association, or union duties.

Prohibited Paid Leave—

The District may not allow paid association leave for an employee to perform employee association or union duties, unless:

1. The duty performed by the employee on paid association leave will directly benefit the school district, including representing the District's licensed educators; and does not:
   a. include political activity including advocating for or against a candidate for public office in a partisan or nonpartisan election;
   b. solicit a contribution for a political action committee, a political issues committee, a political party, or a candidate as defined by Utah Code § 20A-11-101; or
   c. initiate, draft, solicit signatures for or advocate for or against a ballot proposition as defined by Utah Code § 20A-1-102.
2. On a board or committee, such as the District's foundation, a curriculum development board, insurance committee, or catastrophic leave committee;
3. At a school district leadership meeting; or
4. At a workshop or meeting conducted by the District's Board of Education.

District Reimbursement—

An employee taking association leave that does not qualify as an exception as stated above, shall reimburse to the District, the costs, including benefits, for the time he/she is:

1. On unpaid association leave; or
2. Participating in a paid association leave activity that does not provide a direct benefit to the District.

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Reimbursement may be paid to the District by the employee, association or union.

** If, prior to January 1, 2011, the District allowed association unpaid leave or paid association leave that does not provide a direct benefit to the District, up to 10 days of any such leave may be allowed without reimbursement to the District. **

Paid Association Leave—

If the District allows for paid association leave it shall:

1. Ensure the duties performed by employees on association leave directly benefit the District;
2. Document the use and approval of paid administration leave;
3. Directly supervise employees on paid association leave;
4. Account for the costs and expenses of paid association leave;
5. Ensure that during the time of paid association leave the employee does not engage in political activity, including:
   a. Advocating for or against a candidate for public office in a partisan or nonpartisan election;
   b. Soliciting a contribution for a political action committee, a political issues committee, a political party, or a candidate as defined in Utah Code § 20A-11-101; and
   c. Initiating, drafting, soliciting signatures for, or advocating for or against a ballot proposition, as defined in Utah Code § 20A-1-102.

Willful violation of this policy will be subject to disciplinary action as a violation of District policy and state law as provided for in Policy DHA.

Utah Code § 53G-11-206 (2018)

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Legal Defense of Employees

Notice of Suit or Threat of Suit—

In the event that any employee is sued or threatened with suit for actions which the employee has taken while engaged in the performance of the employee's duties, for actions within the scope of the employee's employment, or actions under the color of state authority as an employee of the District, the employee shall notify the Superintendent of Schools in writing of such suit or threat of suit. The written notice shall provide a short statement of the facts giving rise to the claim, the nature of the claim asserted, and how the actions giving rise to the claim relate to the employee's job duties or come within the scope of employment or occurred under the color of authority. In addition, the notice must request the District to engage counsel to provide a defense to the claim, and the written request must be made:

1. within 10 days after service of process upon the employee; or
2. within a longer period that would not prejudice the District in maintaining a defense on the employee's behalf; or,
3. within a period that would not conflict with notice requirements imposed on the school district in connection with insurance carried by the school district relating to the risk involved.

If the employee fails to make a timely request or cooperate in the defense, including the making of an offer of judgment or settlement, the District need not, in its discretion, defend or continue to defend the employee, or pay any judgment, compromise, or settlement against the employee arising from such claim

Referral to Legal Counsel—

The Superintendent may, if the nature of the action so warrants, provide a copy of the request to provide a defense to Risk Management or to the District's legal counsel.

Limitation of Obligation to Provide Defense—

Nothing in this policy obligates the District to undertake a defense, pay any judgment, or otherwise assume liability of an employee for acts or omissions of an employee that did not occur:

1. during the performance of the employee's duties; or
2. within the scope of employment with the District; or
3. under color of authority.

Also, the District shall not be obligated to pay any judgments or indemnify and may decline to provide a defense or discontinue providing a defense for:

1. fraudulent acts of an employee; or

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2. willful misconduct where the employee commits the wrongful act intentionally or fails to act without just cause or excuse while aware that the conduct will probably result in injury;
3. or injury or damages committed while the employee was legally intoxicated or under the influence of non-prescribed controlled substances or alcohol to the extent as to be unable to reasonably perform his or her job function or control a vehicle.

Utah Code § 63G-7-902 (2008)

Within ten days after receiving the request to defend the employee, the District shall inform the employee whether it will provide the defense and if it refuses to provide the defense, the basis for the refusal. If the District refuses to provide the defense for the employee, the employee may recover from the District if the employee can prove that none of the conditions set forth in sub-part four apply. The employee has the burden of proof to establish that none of these conditions apply.

Utah Code § 63G-7-902(4)(a) (2008)
Utah Code § 63G-7-903(2) (2008)

The District may conduct the defense under a full reservation of rights under which the District reserves the right to discontinue the defense and/or not pay any judgment if the conditions under Subpart 4(a)-(c) above are not shown or the conditions under Subpart 4(d)-(f) above are shown.

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Employee References and Letters of Recommendation

Required Employment Reference Check—

For purposes of this section:

"Physical abuse" and "Sexual abuse" have the same meanings as defined in Utah Code § 80-1-102.

"Child" means an individual younger than 18 years of age.

"Qualifying position" means paid employment that requires the employee to directly care for, supervise, control, or have custody of a child.

"Unsupervised volunteer assignment" means a volunteer assignment that allows the volunteer significant unsupervised access to a student.

"Potential volunteer" means an individual who has (1) volunteered for (but has not been given) an unsupervised volunteer assignment and (2) has worked in a qualifying position within the prior three years.

Before hiring any employee or considering a prospective volunteer for an unsupervised volunteer assignment, the District shall require the applicant to identify any qualifying position employers (at any time) and shall require the potential volunteer to identify any qualifying position employers within the past three years. The District shall require the applicant or potential volunteer to sign a release authorizing qualifying position employers to disclose information regarding any employment action taken or discipline imposed for physical abuse or sexual abuse of a child or of a student. The District shall then request information on such employment actions or discipline from the most recent qualifying position employer of the applicant or prospective volunteer. If the applicant or prospective volunteer does not sign the required release, the District shall not hire the applicant or give the prospective volunteer an unsupervised volunteer assignment.

The District shall also obtain information from an applicant or prospective volunteer as provided for in Policy DAC, Employment: Background Checks and may request such other information, consistent with state or federal law, as may be appropriate in evaluating the applicant or prospective volunteer.

Utah Code § 53G-11-410 (2021)

Who May Give Information Regarding Ex-Employees—

The Superintendent or the principal of a school in which an employee previously worked may provide information in response to requests by prospective employers of former employees.

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Information to be Given to State Board of Education—

The District shall upon request provide to the State Board of Education a recommendation or other information which has significance in evaluating the license of an educator or education license holder or the potential licensure of an education license applicant.

Utah Code § 53E-6-402(2) (2019)

Information that May Be Given—

Information may be provided which could have significance in evaluating the employment or licensure of an employee, including:

1. The dates of commencement and end of employment in the school district;
2. Whether the job performance was rated excellent, good, satisfactory, needs improvement or unsatisfactory in evaluations during the last two years of employment, or any like rating of performance;
3. Any statements in the employee file regarding professional conduct;
4. Any reasons stated for termination of employment or probation; and
5. Any statements regarding sexual harassment or conduct that may be criminal in nature if charges were actually filed.

Utah Code § 53E-6-402 (2018)

Letters of Recommendation—

The Superintendent or a school principal having had administrative duties in relation to a former employee may provide a “letter of recommendation” for use by a former employee which assesses the job performance and professional conduct of the former employee.

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DKAB

Hiring Preference of Veterans and Veterans' Spouses

Hiring of Veterans and Veterans' Spouses—

For purposes of this Policy a disabled veteran shall mean an individual who served duty in the armed forces and received an honorable release therefrom and who has a presently existing service-connected disability or is receiving compensation, disability retirement compensation, disability retirement benefits or a pension because of a public statute administered by the Federal Department of Veterans Affairs or military department.

For purposes of this policy "preference eligibility" shall be granted to any individual who has served on active duty in the armed forces for at least 180 days and who has received an honorable discharge therefrom, any disabled veteran, the unmarried widow or widower of a veteran or a retired member of the armed forces.

For purposes of this policy "veteran" means the same as that term is defined in Utah Code § 68-3-12.5.

Utah Code § 71-10-1 (2016)
Utah Code § 68-3-12.5(37)(a) (2021)

Veterans Preference—

When considering candidates for employment in the District, the District shall grant a veteran's preference to each preference eligible veteran or preference eligible spouse. The Personnel Officer of the District shall add to the score of a preference eligible person who receives a passing score on an examination, or any rating or ranking mechanism used in selecting individuals for employment in the District the following:

1. Five percent (5%) of the total possible score if the person is a veteran;
2. Ten percent (10%) of the total possible score if the person is a disabled Veteran or a purple heart recipient; or,
3. If the candidate is an eligible spouse, widow or widower, the same percentage increase that the qualifying veteran would have been entitled to.

A preference eligible person who applies for a position that does not require an examination shall be given preference in interviewing and hiring for the position. If all other circumstances relevant to employment are equal among candidates, then a preference shall be given to the veteran applying for a position with the District.

Utah Code § 71-10-2 (2018)

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Nepotism

Definitions—

As used in this policy:

"appointee" means an employee whose salary, wages, pay, or compensation is paid from public funds;

"relative" means father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law;

"household member" means a person who resides in the same residence.

Utah Code § 52-3-1(1)(c), (d) (2018)

Prohibited Appointment—

No Board member or employee of the District may employ, appoint, or vote for or recommend the appointment of a relative or household member in or to any position or employment when the appointee will be directly supervised by a relative or household member, unless:

1. The appointee will be compensated from funds designated for vocational training;
2. The appointee will be employed for a period of 12 weeks or less;
3. The appointee is a volunteer as defined by the District; or
4. The Superintendent determines that appointee is the only or best person available, qualified or eligible for the position.

Utah Code § 52-3-1(2)(a) (2018)

Prohibited Supervision—

No District employee may directly supervise an appointee who is a relative or household member of the employee unless:

1. The appointee was appointed or employed before the District employee assumed his or her supervisory position, if the appointee's appointment was not unlawful at the time of the appointee's appointment;
2. The appointee will be compensated from funds designated for vocational training;
3. The appointee will be employed for a period of 12 weeks or less;
4. The appointee is a volunteer as defined by the District;
5. The appointee is the only person available, qualified or eligible for the position; or

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6. The Superintendent determines that the employee is the only individual available or best qualified to perform supervisory functions for the appointee.

When a District employee supervises a relative or household member, the employee shall make a complete written disclosure of the employee's relationship with the relative or household member in a sworn statement provided to the Board of Education. The District employee may not evaluate the relative's job performance or recommend salary increases for the relative.

Utah Code § 52-3-1(2)(b), (c) (2018)
Utah Code § 67-16-7(2)(b) (2018)

Acceptance of Employment—

No appointee may accept or retain employment in the District if the appointee is under the direct supervision of a relative or household member, unless:

1. The relative or household member was appointed or employed before the appointee assumed the appointee's position, if the appointment of the relative or household member was not unlawful at the time of the appointment;
2. The appointee will be compensated from funds designated for vocational training;
3. The appointee will be employed for a period of 12 weeks or less;
4. The appointee is a volunteer as defined by the District;
5. The appointee is the only person available, qualified or eligible for the position; or
6. The Superintendent determines that the appointee's relative or household member is the only individual available or qualified to supervise the appointee.

Utah Code § 52-3-1(3) (2018)

Federal Funds—

The rules against nepotism apply to employees paid with public funds regardless of the source of those funds, including employees paid with funds from a federal grant.

Limited Exception for Towns—

Within a town, as defined by Utah Code § 10-1-104, this policy on nepotism shall not apply to the employment of uncles, aunts, nephews, nieces or cousins.

Utah Code § 52-3-4 (1998)

General Exceptions—

This policy on nepotism shall not apply to the employment of a relative if the following criteria are established:

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1. fewer than 3,000 people live within 40 miles of the primary place of employment, measured over all-weather public roads;
2. the job opening has had reasonable public notice; and
3. the relative is the best qualified candidate for the position.

If an appointee is to be hired under this exception, the District shall make a written record of the proceedings in which it was established that the appointee met the criteria of this exception, which record shall include a written statement by the hiring officer certifying that the appointee satisfies the exception, all of which shall be retained in the personnel file of the appointee.

Utah Code § 52-3-4 (1998)

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Sexual Harassment

General Statement of Policy—

Sexual harassment is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), and the Utah Antidiscrimination Act, Utah Code § 34A-5-101 et seq.

It is the policy of the District to maintain a learning and working environment that is free from sexual harassment. The District prohibits any form of sexual harassment. The Board of Education of the _____ School District does not discriminate on the basis of sex in its programs and activities and is required by Title IX and 34 CFR Part 106 not to discriminate on the basis of sex, including but not limited to such discrimination in admission and employment. The Board adopts this policy in order to meet its obligations under Title IX to provide appropriate treatment of and response to complaints or reports of sexual harassment and to seek to provide a learning environment free from sexual harassment and discrimination on the basis of sex. Therefore, the District will promptly respond to notice of sexual harassment or allegations of sexual harassment and take appropriate action.

The definitions of sexual harassment under Title VII and Title IX differ, although there are areas of overlap. This policy therefore distinguishes between sexual harassment as to employment (Title VII) and sexual harassment as to participation in District programs and activities (Title IX). The intent of this policy is to meet the District's obligations under both Title VII (and the Utah Antidiscrimination Act) and Title IX.

This policy addresses sex discrimination in the form of sexual harassment by employees and against employees. Policy FHAB addresses sex discrimination in the form of sexual harassment against students. Other forms of sex discrimination are addressed in Policy DAA and Policy FA. It is a violation of this policy for any employee of the District to sexually harass a student or an employee.

The District encourages all victims of sexual harassment and persons with knowledge of sexual harassment to immediately report that to the Title IX Coordinator or an administrator. Employees with knowledge of sexual harassment or possible sexual harassment are required to report that information to their supervisor and/or the Title IX Coordinator. (Failure to make such reports may result in disciplinary action according to District policy.) All complainants have the right to be free from retaliation of any kind.

Notice of this policy shall be given to all applicants for employment and employees and shall be included in employee handbooks. Questions about rights under Title IX and about the application of Title IX to the District can be directed to

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the Title IX Coordinator identified in this policy or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The District will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment and when appropriate to discipline any employee or student who sexually harasses an employee or student of the District.

42 U.S.C. § 2000e et seq.
Utah Code § 34A-5-101 et seq.
34 CFR § 106.8(b)(1)
34 CFR § 106.45(a)

No Expansion or Reduction of Other Legal Rights—

Nothing in this policy shall be construed to give any right, claim or action beyond the specific process provided in this policy. Nothing in this policy restricts rights which may be available under other District policies or under applicable laws or regulations.

Prohibition of False Statements—

Employees and students are prohibited from knowingly making false statements or knowingly submitting false information in connection with allegations of sexual harassment or a sexual harassment investigation or a sexual harassment grievance procedure. Any employee or student doing so is subject to disciplinary action.

Confidentiality—

Except to the extent required to carry out a required response to sexual harassment under this policy or other forms of sex discrimination under other policies, or as required by law, the District shall keep confidential the identity of (a) any individual who reports or complains of sexual harassment or other types of sex discrimination (including filing a formal complaint), (b) any respondent or other individual reported to have perpetrated another form of sex discrimination, and (c) any witness regarding sexual harassment or other form of sex discrimination. Except to the extent that maintaining confidentiality would impair the District's ability to provide supportive measures, the District shall keep confidential any supportive measures provided to a complainant, respondent, or employee complaining of employment sexual harassment. (In appropriately responding to sexual harassment, the District may need to disclose the identity of individuals for purposes of an appropriate investigation and following the grievance process or for purposes of appropriate supportive measures.) Disclosure is also allowed to the extent permitted by FERPA and its implementing regulations.

34 CFR § 106.71(a)
34 CFR § 106.30(a)

Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate authorities and the confidentiality of the

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information will be maintained as required by Utah Code § 80-2-1005. (See Policy DDA.)

Utah Code § 80-2-602 (2022)
Utah Code § 80-2-1005 (2022)

Employment Sexual Harassment Defined—

For purposes of employment, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by school employees, students, or visitors when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
3. That conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment, or creating an intimidating, hostile or offensive working environment.

29 CFR § 1604.11(a)

As long as one or more of the above-listed factors is met, sexual harassment may include but is not limited to:

1. Verbal harassment or abuse, including any offensive communication that is sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual gestures;
2. Subtle pressure for sexual activity including sexual invitations or requests for sexual activity in exchange for preferences, favors, selection for work assignments, etc.;
3. Physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, spanking, pinching, stalking, frontal-body hugs, intentional brushing against an employee's body; etc.
4. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment status;
5. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment; or any unwelcome sexually motivated touching;
6. Unwelcome gestures that are sexually suggestive, sexually degrading or imply sexual motives or intentions;
7. Written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, etc.

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Mentor Savings Bank v. Vinson, 477 U.S. 57 (1986)
Baker v. Weyerhauser Co., 903 F.2d 1342 (10th Cir. 1990)

Employment Reporting Procedures—

Any employee who believes he or she has been the victim of sexual harassment by an employee, student or visitor of the District, or any third person with knowledge or belief of conduct which may constitute employment sexual harassment should submit a written report of the alleged acts immediately to an appropriate District official as designated by this policy. The District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the District office. If the conduct in question meets the definition of sexual harassment in education programs (set out below), the process and procedures for such harassment (below) should also be followed.

1. In Each School Building. The building principal is the person responsible for receiving oral or written reports of employment sexual harassment at the building level. Upon receipt of a report, the principal must notify the District Title IX Coordinator immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Title IX Coordinator. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the Title IX Coordinator. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the Title IX Coordinator.
2. District-Wide. The School Board hereby designates the Title IX Coordinator (identified below) as the individual to receive reports or complaints of employment sexual harassment from any individual, employee or victim of employment sexual harassment and also from the building principals as outlined above. If the complaint involves the Title IX Coordinator, the complaint shall be filed directly with the Superintendent. Contact information for the Title IX Coordinator shall be disseminated as provided for below.
3. Submission of a complaint or report of sexual harassment will not affect the individual's future employment or work assignments.
4. Use of formal reporting forms is not mandatory.

Employment Investigation and Recommendation—

By authority of the District, the Title IX Coordinator, upon receipt of a report or complaint alleging sexual harassment in employment, shall immediately authorize an investigation. This investigation may be conducted by District officials or by a third party designated by the District. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Superintendent of Schools and the Title IX Coordinator.

In determining whether alleged conduct constitutes sexual harassment, the District should consider the surrounding circumstances, the nature of the sexual

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advances, relationships between the parties involved and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individuals against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment. Those steps must be in the nature of supportive measures as defined for purposes of sexual harassment in education programs (below) and may not include disciplinary or punitive measures which burden an individual accused of sexual harassment prior to a determination that the person has engaged in sexual harassment. However, an individual may be removed on an emergency basis as provided below regarding sexual harassment in education programs and an employee may be placed on administrative leave during the pendency of a grievance proceeding consistent with District leave relating to possible employment action.

34 CFR § 106.30(a)
34 CFR § 106.44(a)

The Title IX Coordinator shall make a report to the Superintendent upon completion of the investigation.

Employment District Action—

Upon receipt of a recommendation that the complaint is valid, the District will take such action as appropriate based on the results of the investigation.

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the District. The report will document any disciplinary action taken as a result of the complaint.

Support for Victims of Employment Harassment—

Pending the outcome of the investigation into a claim of employment sexual harassment, the Title IX Coordinator shall provide support as appropriate to the complaining employee and the accused person. Such support may include supportive measures as defined below for sexual harassment in education programs. When it is determined that an individual has been subject to employment sexual harassment, consideration should be given to what support, counseling, or other assistance the individual may need to prevent such mistreatment from adversely affecting the individual's ability to function in the employment setting.

Reprisal—

The District will discipline any individual who retaliates against any person who reports alleged employment sexual harassment or who retaliates against any

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person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to an employment sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Non-Harassment—

The District recognizes that not every advance or consent of a sexual nature constitutes employment harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties.

Right to Alternative Complaint Procedures—

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Division of Antidiscrimination and Labor, initiating civil action or seeking redress under state criminal statutes and/or federal law.

Discipline—

Any District action taken pursuant to this policy will be consistent with requirements of applicable Utah statutes and District policies. The District will take such disciplinary action it deems necessary and appropriate, including warning, suspension or immediate termination to end employment sexual harassment and prevent its recurrence.

Report of Sexual Harassment—

This form shall be maintained as confidential by the District within the limitations outlined in policy. (*See* Policy Exhibit #1)

Education Program Sexual Harassment Definitions—

1. “Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to any employee of the District.
2. “Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
3. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. (The complainant must be participating or attempting to participate in a District program or activity at the time of filing.) Although the Title IX Coordinator may sign a formal complaint, the Title IX Coordinator does not thereby become the complainant or a party to the grievance proceeding.
4. A “program or activity” of the District includes all locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs

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34 CFR § 106.44(a)

5. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
6. "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:
   a. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; or
   b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a program or activity of the District; or
   c. "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

   "Sexual harassment" for purposes of this policy does not include all improper conduct based on sex. Conduct which is not sexual harassment may violate other District policies and be subject to disciplinary action, including under Policy DAI, DHA, DKBA, DLA, FA, FGAD, and FHA, among others.
7. "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to any District program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

   34 CFR § 106.30(a)

Title IX Coordinator—

The District shall designate one or more employees to serve as Title IX Coordinator. The Title IX Coordinator is responsible and has authority to coordinate the District's compliance with Title IX and Title VII, including but not limited to responding to sexual harassment of any type. The designated Title IX Coordinator for the District is: _____. The contact information for the Title IX Coordinator is:

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Name_____ Title/Position_____

Mailing Address_____

Office Email _____ Telephone_____

Reports about any form of sex discrimination (including sexual harassment, whether under the Title VII definition or the Title IX definition) may be made to the Title IX Coordinator by any person (whether or not the discrimination was directed at that person) using any of the contact methods listed above or by any other means and at any time (including during non-business hours).

34 CFR § 106.8(a)

District Response to Education Program Sexual Harassment—

As directed and coordinated by the Title IX Coordinator, the District shall, after receiving "actual knowledge" of "sexual harassment" in a District "program or activity" (as each of those terms are defined in this policy, respond promptly and reasonably to fulfill its obligations under Title IX. The District shall treat the complainant and respondent equitably and may not impose disciplinary actions or sanctions on a respondent before a determination of responsibility is made through the grievance procedure set out below. The response shall include prompt contact by the Title IX Coordinator with the complainant to:

1. Discuss the availability of supportive measures;
2. Consider the complainant's wishes with respect to supportive measures;
3. Inform the complainant that supportive measures are available with or without filing a formal complaint; and
4. Explain the process for filing a formal complaint.

Regardless of whether a formal complaint is filed, the District shall respond appropriately, including implementing appropriate supportive measures as determined by the Title IX Coordinator.

In response to a formal complaint of education program sexual harassment, the District shall follow the grievance procedure set out below. In appropriate circumstances, the District's response to actual knowledge of sexual harassment may include the Title IX Coordinator signing a formal complaint to initiate the grievance procedure even when the complainant does not wish to do so.

The District may remove a respondent from a District program or activity on an emergency basis if following an individualized safety and risk analysis the District determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. (However, such actions are subject to restrictions relating to change in placement under IDEA and restrictions under Section 504.)

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The District may place a non-student employee respondent on administrative leave during the pendency of a grievance proceeding following a formal complaint, consistent with the District policy relating to leave relating to possible employment action.

34 CFR § 106.44(a)

Education Program Sexual Harassment Grievance Procedure—

The education program sexual harassment grievance procedure is initiated by the filing of a formal complaint with the Title IX Coordinator. The parties to the procedure are the complainant and the respondent. The complaint may be filed in person, by mail, or by email. A formal complaint can be in the form of a document or electronic submission and must either contain the physical or electronic signature of the complainant or the Title IX Coordinator or otherwise indicate that the complainant is the person filing the formal complaint.

34 CFR § 106.30(a)

Generally Applicable Requirements

The following standards and requirements apply generally throughout the grievance and appeal process:

1. The respondent is presumed to be *not* responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

   34 CFR § 106.45(b)(1)(iv))

2. The District is to shoulder the burden of gathering evidence sufficient to reach a determination regarding responsibility and is not to place that burden on the parties.

   34 CFR § 106.45(b)(5)(i)

3. Legal evidentiary privileges are to be respected: The District will not require, allow, rely on, seek disclosure of, or otherwise use information protected under a legally recognized privilege unless the person holding the privilege has waived it.

   34 CFR § 106.45(b)(1)(x))

4. The parties will be given equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

   34 CFR § 106.45(b)(5)(ii)

5. The District will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence within the procedural framework.

   34 CFR § 106.45(b)(5)(iii)

6. The parties will have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to

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any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding.

34 CFR § 106.45(b)(5)(iv)

7. For any investigative interviews or other meetings at which a party's participation is expected or invited, the party will be given written notice of the date, time, location, participants, and purpose of the interview or meeting at a time sufficiently in advance to enable the party to prepare to participate.

34 CFR § 106.45(b)(5)(v)

8. The time frames provided in this policy are intended to provide reasonably prompt resolution of complaints. However, the District may, for good cause and with written notice to the complainant and respondent explaining the reasons, temporarily delay the grievance process or extend a time frame for a limited time. Good cause may include (but is not limited to) considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

34 CFR § 106.45(b)(1)(v)

Supportive Measures During the Grievance Process

During the pendency of the grievance process, either party may request or the Title IX Coordinator may offer supportive measures as defined above, and such measures shall be provided as the Title IX Coordinator determines is appropriate.

34 CFR § 106.45(b)(1)(ix)

Potential Disciplinary Sanctions for Responsible Respondents

A respondent who is found responsible following the conclusion of the grievance procedure may be subject to disciplinary action in the form of remedies that are in the nature of supportive measures for the complainant but which impose a burden on the respondent and are punitive in nature. A responsible employee respondent may be sanctioned by disciplinary actions including probation, suspension (with or without pay), and termination of employment. (See Policy FHA.) The same sanctions may be imposed on a respondent who admits to being responsible for sexual harassment without challenging the charge through the formal grievance process.

34 CFR § 106.45(b)(1)(vi)

Consolidation of Complaints

Where the allegations of sexual harassment arise out of the same facts or circumstances, the Title IX Coordinator may consolidate formal complaints made against more than one respondent, or made by more than one complainant against one or more respondents, or made by one party against another party. When

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complaints are consolidated, singular references in this policy (for example, "complainant") also include the plural as is applicable.

34 CFR § 106.45(b)(4)

Summary Dismissal of Complaint

After receiving the formal complaint, the Title IX Coordinator shall review the allegations in the complaint and make a determination whether, accepting the allegations as true, any of the following circumstances are present:

1. The conduct alleged does not constitute sexual harassment as defined in this policy.
2. The conduct alleged did not occur in a District program or activity.
3. The conduct alleged did not occur against a person in the United States.

If any of these circumstances are present, the Title IX Coordinator shall dismiss the complaint for purposes of sexual harassment and this policy and shall promptly send simultaneous written notice of the dismissal and the reason(s) for dismissal to the parties. If the alleged conduct constitutes employment sexual harassment as defined above, the Title IX Coordinator shall follow the process outlined above for addressing such harassment. If the alleged conduct constitutes misconduct under other District policies regulating employee or student conduct, the Title IX Coordinator shall refer the complaint to the appropriate administrator for consideration for investigation and possible disciplinary action.

34 CFR § 106.45(b)(3)(i)

Permissive Dismissal of Complaint

At any time during the investigation of a formal complaint or the determination process, the Title IX Coordinator may dismiss a complaint or particular allegations in the complaint if:

1. The complainant gives written notice to the Title IX Coordinator that the complainant wants to withdraw the formal complaint or particular allegations in the complaint;
2. The respondent is an employee and is no longer employed by the District or is a student and is no longer enrolled in the District; or
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the complaint or the allegations in the complaint.

If the Title IX Coordinator determines to dismiss the complaint on any of these grounds, then the coordinator shall promptly send simultaneous written notice of the dismissal and the reason(s) for dismissal to the parties.

34 CFR § 106.45(b)(3)(ii)

Appointment of Investigator and Decision Maker

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Upon receipt of a formal complaint, the Title IX Coordinator shall either determine that the Title IX Coordinator will investigate the complaint or shall appoint a qualified and trained District employee to investigate the complaint.

The Title IX Coordinator shall also appoint one, three, or five qualified and trained District employees to render the decision on the complaint as provided below. Neither the Title IX Coordinator nor any investigator on a complaint may serve as a decision maker.

34 CFR § 106.45(b)(7)(i)

Written Notice of Complaint

Within 7 days of receipt of a formal complaint, the Title IX Coordinator shall provide to all known parties a written notice which includes:

1. Notice of the grievance procedures, including the availability of voluntary mediation as provided in this policy;
2. Notice of the allegations potentially constituting sexual harassment. This notice shall include, as known at the time of the notice, the identities of the parties involved, a description of the conduct allegedly constituting sexual harassment, and the date(s) and location(s) of the alleged incident(s). This information must be provided with sufficient time for a party to prepare a response before an initial interview;
3. The statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
4. Notice that each party may have the assistance of an advisor of their choice (who may be an attorney but is not required to be an attorney);
5. Notice that each party may inspect and review evidence;
6. Notice that under this policy parties are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

If during the course of the investigation the District decides to investigate allegations (about the complainant or the respondent) which are not included in the initial written notice, then the District will provide notice of the additional allegations to all known parties.

34 CFR § 106.45(b)(1)(v), (2)

Investigation, Initial Response to Evidence, and Investigative Report

The investigation will be completed as soon as reasonably possible, and generally not more than 30 days after the investigator is assigned.

34 CFR § 106.45(b)(1)(v)

The investigation should be conducted so as to obtain the evidence

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necessary to make a determination regarding responsibility. Typically, this would include interviewing and/or obtaining written or recorded statements from the complainant and the respondent as well as any witnesses to the alleged conduct. It would also include gathering relevant physical and documentary evidence, including but not limited to video or audio recordings, notes, email, text messages, and social media. However, the District may not obtain, access, or use a party's treatment records in any way unless the party has given voluntary written consent for those records to be used in the grievance process. (If the party is under 18 years old and is not attending an institution of postsecondary education, the consent must be given by the student's parent.) For purposes of this restriction, "treatment records" means records made or maintained in connection with providing treatment to a party by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity.

34 CFR § 106.45(b)(5)(i)

Prior to the conclusion of the investigation and the completion of the investigative report, the District will provide to the parties copies of all evidence obtained in the investigation which is directly related to the allegations in the complaint, including any inculpatory or exculpatory investigation and even if the District does not intend to rely on the evidence in making a responsibility determination. The copies will be provided in either electronic format or a hard copy. Each party may, within 10 days of being provided the evidence, submit a written response to the investigator regarding the evidence.

34 CFR § 106.45(b)(1)(v), (5)(vi)

After considering the evidence and any written response by the parties to the evidence, the investigator will complete an investigative report which fairly summarizes the relevant evidence. The completed report will be provided to each party and the party's advisor (if any) in electronic format or hard copy for review and written response. The report shall be provided at least 15 days before the time when the decision maker begins consideration of the evidence.

34 CFR § 106.45(b)(1)(v), (5)(vii)

Determination by Decision Maker

Upon the completion of the investigative report, the Title IX Coordinator shall notify the parties of the date when the decision maker will begin consideration of the evidence.

Position statement

On or before the date the decision maker begins consideration of the evidence, a party may submit a written statement which outlines the party's position regarding the allegations and evidence and states the party's requested determination regarding responsibility.

Written questions

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Each party may, no later than 5 days before the time the decision maker begins consideration of the evidence, submit written, relevant questions that the party wants asked of any party or witness. Proposed questions may refer to or rely on any of the evidence disclosed to the parties by the investigator.

The decision maker shall determine whether each question is relevant to the allegations and to the issue of whether respondent is responsible for sexual harassment. However, questions and evidence regarding the complainant's sexual predisposition or prior sexual behavior are not relevant unless the questions and evidence either:

1. Are being offered to show that someone other than the respondent committed the alleged conduct, or
2. Are being offered to show consent and concern specific instances of the complainant's prior sexual behavior with respect to the respondent.

For any question excluded as not relevant, the decision maker must explain the decision to the party proposing the question.

The decision maker shall submit the approved questions and shall provide copies of the answers to all parties. Each party may, within 2 days of being provided answers, submit limited additional follow-up questions.

The decision maker shall determine whether follow-up questions are relevant and may also impose reasonable limitations on the number of follow-up questions allowed. The decision maker must explain to the party proposing the question any decision to exclude a follow-up question based on relevance.

The decision maker shall submit the approved follow-up questions and shall provide copies of the answers to all parties.

34 CFR § 106.45(b)(5)(vi), (6)(ii)

Written determination

After weighing the evidence and considering the materials submitted (including the investigative report and the parties' written submissions), the decision maker shall make a determination regarding responsibility. In so doing, the decision maker shall apply a preponderance of the evidence standard. Evidence must be evaluated objectively and credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

34 CFR § 106.45(b)(1)(ii), (vii), (b)(7), (b)(7)(i)

If the decision maker consists of a panel of three or five individuals, the decision will be based on majority vote.

The decision maker will issue a written statement setting forth the determination, which must include the following elements:

1. Identification of the allegations potentially constituting sexual harassment as defined above;

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2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's conduct policies (including this policy and student and employee discipline policies) to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
    a. When a respondent is found responsible for sexual harassment against the complainant, the determination shall provide appropriate remedies to the complainant, which shall be designed to restore or preserve the complainant's equal access to the District's program or activity.
    b. Such remedies may include the kinds of services which are included in "supportive measures" as defined above, but need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
6. A description of the appeal procedures and the permissible grounds for appeal by the complainant or respondent (as set forth below).

34 CFR § 106.45(b)(1)(i), (b)(7)(ii)

The written determination shall be provided promptly and generally within 14 days after the date the decision maker begins consideration of the evidence. The written determination must be provided simultaneously to the parties.

34 CFR § 106.45(b)(1)(v), (b)(7)(iii)

The decision maker's determination becomes final on the date when the time to appeal expires (if no appeal is timely filed) or on the date that the District provides the written determination on a timely appeal.

34 CFR § 106.45(b)(7)(iii)

The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appeal

Grounds for appeal

A complainant or a respondent may appeal a dismissal decision or the determination of the decision maker based on the following grounds:

1. A procedural irregularity which affected the outcome;
2. New evidence that could affect the outcome which was not reasonably

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available at the time the dismissal was made or the decision maker made the determination; or

3. There was a conflict of interest or bias on the part of the Title IX Coordinator, an investigator, or a decision maker (either for or against complainants or respondents generally or for or against the individual complainant or respondent) that affected the outcome.

34 CFR § 106.45(b)(8)

Time for appeal

An appeal must be submitted within 14 days after the decision (the notice of dismissal or the decision maker's written determination) is provided to the party. Appeals submitted after that date will not be considered and the decision will be final.

34 CFR § 106.45(b)(1)(v)

Appeal process

The appeal must be delivered to the Title IX Coordinator, must be in writing and must identify each ground for appeal, together with supporting evidence and argument.

Upon receipt of a timely appeal, the following process will be implemented:

1. The Title IX Coordinator will appoint a qualified and trained District employee as the appeal officer. This person must be someone other than a decision maker on the complaint appealed from, the Title IX Coordinator or any investigator on the complaint.
2. The Title IX Coordinator will give the other party written notice of the appeal, including a copy of the appeal.
3. The other party may provide a written response to the appeal within 14 days of being provided the appeal, including supporting evidence and argument.
4. After the time for response has expired, the appeal officer shall consider the appeal and any response and within 14 days issue a written decision describing the result of the appeal and the rationale for that result.
5. The appeal officer considers only whether the appealing party has shown that one or more of the grounds for appeal have been demonstrated. The appeal officer must not reweigh the evidence considered by the decision maker and may consider new evidence only as it is relevant to the particular ground of appeal.
6. If the appeal officer determines that a ground for appeal has been established, then the appeal officer will determine what remedy is appropriate.
7. The appeal officer shall provide the appeal decision simultaneously to both parties.

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34 CFR § 106.45(b)(1)(v), (viii)

Mediation

Except for complaints that an employee has sexually harassed a student, after a formal complaint has been filed, the parties may engage in mediation facilitated by the District as follows. Mediation may occur at any time before the decision maker issues the written determination.

The mediator will keep all information or evidence shared with the mediator strictly confidential and will not disclose that information outside the mediation process. In the complaint proceeding, the parties may not refer to or use any statements or information received only through the mediation process. (This does not include a written agreement by the parties resolving the complaint.) Either party may withdraw from mediation for any reason at any time before the party has agreed to a resolution of the complaint.

Once mediation is initiated, the complaint process will be suspended until the mediation ends (either with signing of a written agreement by the parties or by one or both parties withdrawing from the mediation). However, if mediation is not completed within 30 days of being initiated, the complaint process will resume.

If one or both parties express interest in mediation the Title IX Coordinator will provide both parties with a written notice which describes the allegations of the complaint and which explains the requirements and conditions of the mediation process. Before mediation may proceed, both parties must have been provided the written notice above and must give voluntary written consent to participate in mediation. (If a party is a student under 18 who is not attending a postsecondary institution, this consent must be provided by the student's parent.)

If the parties agree to mediation, the Title IX Coordinator will appoint a District employee with appropriate training to serve as the mediator. The mediator may not be the Title IX Coordinator and may not participate in the complaint resolution in any other way (may not serve as an investigator, decision maker, or appeal officer).

If the parties reach an agreement to resolve the complaint through mediation, the mediator will reduce that agreement to writing and upon signing of the agreement by the parties will provide a copy of the agreement to the Title IX Coordinator. The Title IX Coordinator will implement the agreement, subject to the coordinator's authority to reject the agreement or request the parties to modify the agreement as needed for the District to meet its obligations under Title IX or to avoid unreasonable burdens on the District.

34 CFR § 106.45(b)(1)(v), (b)(9)

Qualification and Training—

To be qualified to serve as a Title IX Coordinator, investigator, decision maker, appeal officer, or mediator, an individual must not have a conflict of interest or bias for or against complainants or respondents generally or against a specific complainant or respondent.

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The District will provide training on the following issues to Title IX coordinators, investigators, decision makers, appeal officers, and mediators:

1. The definition of sexual harassment;
2. The scope of the District's programs and activities;
3. How to conduct an investigation and grievance process including hearings, appeals, and mediations, as applicable;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant;
6. For investigators, training on issues of relevance relating to creating an investigative report that fairly summarizes relevant evidence;

Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. Records of training materials shall be kept for 7 years by the Title IX Coordinator and shall be made available to the public on the District's website.

34 CFR § 106.45(b)(1)(iii), (10)(i)(D)

Retaliation Prohibited—

It is prohibited to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing relating to sexual harassment or other types of sex discrimination. Prohibited retaliation includes acting with the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy by intimidation, threats, coercion, or discrimination. If brought for the purpose of interfering with these rights, prohibited retaliation includes charges against an individual for violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment. Reports of retaliation should be made as another form of sex discrimination under Policy FA (for students) or Policy DAA (for employees). Complaints regarding retaliation against a student may be raised under Policy FGE or as applicable under Policy FGAD or regarding retaliation against an employee under Policy DHC or as applicable under Policy DLA or Policy DLB.

34 CFR § 106.71(a)

Records—

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Records relating to sexual harassment shall be maintained by the Title IX Coordinator in a confidential manner and shall be kept for a period of at least 7 years.

The Title IX Coordinator shall create a record regarding each instance when the District has actual knowledge of sexual harassment (that is, when the District is required to respond in some way). This record shall include any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, shall document the basis for the conclusion that the District's response was not deliberately indifferent, and shall document that the District has taken measures designed to restore or preserve equal access to the District's education program or activity. If a complainant was not provided with supportive measures, then the Title IX Coordinator must document the reasons why that was not clearly unreasonable in light of the known circumstances.

In addition to the records in the prior paragraph, the Title IX Coordinator shall maintain records regarding each sexual harassment investigation, any disciplinary sanctions imposed, any remedies provided to the complainant designed to restore or preserve equal access to the District's program or activity, and regarding any appeal (including the result).

34 CFR § 106.45(b)(10)

Dissemination of Policy—

Notice of this policy and of the name and contact information of the Title IX Coordinator shall be provided to applicants for employment or for admission, employees, employee associations, students, and parents of students. The contact information for the Title IX Coordinator shall be prominently displayed on the District's website and in employment application materials and student admission materials. In addition, a copy of this policy shall be published on the District website and included in in employment application materials, student admission materials, in materials provided to employees, and in student handbooks. A copy of this policy shall also be provided to the appropriate officer of each employee association.

34 CFR § 106.8(b)(2), (c)

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Policy Exhibit #1 DKB

Report of Sexual Harassment

This form shall be maintained as confidential by the District within the limitations outlined in policy.

Name: _____
Home Telephone Number: _____
Street Address: _____
Employment Position: _____
School: _____
Street Address: _____

The particulars are (if additional space is needed, attach extra sheets):
_____
_____
_____
_____

Persons Involved:
_____
_____

Description of dates, places and nature of sexual harassment:
_____
_____
_____
_____
_____

Witnesses (if any):
_____
_____

_____
Signature of Complaining Person

District Employee and Student Relations

Professional and Ethical Relationships—

District employees 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. District employees shall establish and maintain appropriate personal boundaries in teaching, supervising and interacting with students and avoid behavior that could reasonably lead to even an appearance of impropriety. Therefore, **the following prohibitions shall continue to apply for an additional <u>two</u> <u>years</u> after the graduation, or separation from the District, of any student who was enrolled in a District school,** including a prohibition during this period on entertaining or socializing with former students in such a manner as to create the perception that a dating or intimate relationship exists.[1]

Flaskamp v. Dearborn Public Schools, 385 F.3D 935, 944 (6th Cir. 2004)

Prohibited Employee Behavior—

Prohibited District employee behavior toward students includes, but is not limited to:

1. flirting;
2. accepting personal gifts from or giving gifts to students that would suggest or further an inappropriate relationship;
3. engaging in frequent personal communication with a student (via phone, e-mail, texts, letters, notes, etc.) unrelated to course work or official school matters;
4. providing inappropriate physical displays of affection;
5. making suggestive comments;
6. dating;
7. making requests for sexual activity;
8. engaging in inappropriate touching or any sexual contact and/or sexual relations; and
9. any conduct prohibited by Policy DAI.

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[1]The two-year extension shall apply to all certificated staff, as well as classified staff over the age of twenty-one.

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Such behavior is inappropriate and a violation of District policy regardless of whether the student may have “consented.”

District employees are prohibited from dating or engaging in any undue familiarity with students, regardless of the student’s age. Any action or comment by a District employee that would reasonably invite romantic or sexual involvement with a student is in violation of District policy.

Employees are not authorized to allow students in their homes for school-related social activities without prior written permission from the school principal.

Reporting—

Any District employee who has knowledge of or witnesses any possible occurrence of prohibited employee behavior toward students shall report the incident to the school principal or a District administrator. Anonymous complaints of prohibited employee behavior toward students shall also be investigated by the District. Reports of allegations of prohibited employee behavior toward students shall be promptly investigated and follow the procedures utilized for complaints of harassment within the District, including confidentiality.

If a student initiates inappropriate behavior toward a District employee, that employee shall promptly document the incident and report it to a building principal or supervisor.

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Family Medical Leave

This policy is adopted in conformance with the Family and Medical Leave Act, 29 U.S.C. § 2601 et seq. and implementing regulations located at 29 CFR § 825 et seq. and supersedes all other District policies related to family leave, sick leave, bereavement leave, pregnancy leave and/or disability leave.

Definitions—

1. Eligible Employee
   a. An "eligible employee" means any classified or certified employee of the District who has been employed for at least 12 months by the District and worked at least 1,250 hours during the immediate 12-month period prior to any request for leave under this Policy.

      29 CFR § 825.110
2. Instructional Employee
   a. An "instructional employee" is one whose principal function is to teach and instruct students in a class, small group, or individual setting and includes not only teachers but also coaches, driving instructors, and special education assistants such as signers for the hearing impaired.
   b. "Instructional employee" does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel (such as counselors, psychologists, or curriculum specialists) or non-teaching employees (such as cafeteria workers, maintenance workers, or bus drivers).

      29 CFR § 825.600(c)
3. Employment Benefits
   a. The term "employment benefits" means all benefits provided or made available by the District to its employees such as group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits and pension or retirement benefits.

      29 CFR § 825.102
4. Health Care Provider
   a. The term "health care provider" means a licensed doctor of osteopathy or medicine and other persons listed in the applicable regulation.

      29 CFR § 825.102

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5. Parent
    a. The term “parent” means the biological or adoptive or step or foster parent of a child or any other person who stood in loco parentis to the employee when the employee was a son or daughter as defined in this policy.

       29 CFR § 825.102
6. Son or Daughter
    a. The term “son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. A child is: (a) less than 18 years of age; or (b) older than 18 years but incapable of self-care because of a mental or physical disability at the time leave is to commence.

       29 CFR § 825.102
7. Spouse
    a. The term “spouse” means a legal husband or wife.

       29 CFR § 825.102
8. Serious Health Condition
    a. The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider
    b. “Inpatient care” means consisting of an overnight stay in a hospital, hospice, or residential medical facility, together with any period of incapacity or any subsequent treatment in connection with that care
    c. “Continuing treatment by a health care provider includes:
        i. Incapacity and treatment, which is
            1. A period of incapacity of more than 3 consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition
            2. Which also involves:
                a. Treatment 2 or more times, within 30 days of the first day of incapacity (unless extenuating circumstances as defined by regulation exist) by a health care provider or by a nurse or provider of health care services under the direct supervision of or under orders of or on referral by a health care provider, or
                b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the health care provider’s supervision.

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ii. Pregnancy or prenatal care, which is prenatal care or any period of incapacity due to pregnancy

iii. A chronic condition, which is

1. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.
2. A “chronic serious health condition” is one which
   a. Requires periodic visits (at least twice a year) for treatment by a health care provider or a nurse under direct supervision of a health care provider
   b. Continued over an extended period of time (including recurring episodes of a single underlying condition), and
   c. May cause episodic rather than a continuing period of incapacity (for example, asthma, diabetes, epilepsy, and so forth).

iv. Permanent or long term conditions

1. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.
2. The patient must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
3. Examples of such conditions include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

v. Conditions requiring multiple treatments

1. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or a provider of health care services under orders of or on referral by a health care provider for
2. Either
   a. Restorative surgery after an accident or other injury or
   b. A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) or kidney disease (dialysis).

vi. Absences relating to pregnancy or chronic conditions

1. An absence related to pregnancy or chronic conditions (as described above) qualify for FMLA leave even if no treatment is received and the absence does not last more than three consecutive calendar days. For example, in ability to report for work

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because of the onset of an asthma attack or because of severe morning sickness

29 CFR § 825.113
29 CFR § 825.114
29 CFR § 825.115

Eligibility—

An eligible employee is entitled to a total of 12 work weeks of leave without pay during any 12-month period in the event of any of the following:

1. the birth of a son or daughter of the employee and to care for that newborn son or daughter;
   a. an expectant mother may take FMLA leave before the birth of the child for prenatal care or if her condition makes her unable to work.
2. the placement of a son or daughter with the employee for adoption or foster care;
   a. a father, as well as a mother, can take family leave for the birth, placement for adoption or foster care of a child.
3. a spouse, son, daughter or parent who has a serious health condition; or
4. the employee suffers from a serious health condition that makes the employee unable to perform the essential functions of that employee's position.

An eligible employee is entitled to a total of 26 work weeks of leave without pay during a 12-month period to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty.

An eligible employee is entitled to a total of 12 work weeks of leave without pay during a single 12-month period for any qualifying exigency arising out of a covered servicemember family member who is on active duty or called to active duty status in support of a contingency operation. A qualifying exigency exists in the following circumstances:

1. Short-notice deployment;
2. Military events and related activities;
3. Child care and school activities;
4. Financial and legal arrangements;
5. Counseling;
6. Rest and Recuperation;
7. Post-deployment activities;
8. Parental care; and

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9. Additional activities not encompassed in the above but agreed to by the employee and the District.

29 CFR § 825.112
29 CFR § 825.200
29 CFR § 825.122
29 CFR § 825.127
29 CFR § 825.126

Concurrent Leave—

The board hereby designates all paid or unpaid leave for any reason to be counted as part of and included in the Family Medical Leave so that an employee shall be entitled to no more than the maximum available leave allowed under the Family Medical Leave Act and other types of leave taken together.

The District hereby requires the employee to substitute any accrued vacation leave, personal leave, or family leave of the employee in place of any part of the FMLA leave week period of any leave under this policy.

Nothing shall require the District to provide paid sick leave, vacation leave, annual leave, or other type of paid leave in any situation where it is not otherwise provided under District policies.

29 CFR § 825.207

Limitations on Intermittent or Reduced Schedule Leave—

An additional limitation applies where an instructional employee needs intermittent leave or leave on a reduced schedule which is foreseeable based on planned medical treatment and which is needed for the employee's own serious health condition or to care for a family member with a serious health condition or for a covered service member. If the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend, then the District may require the employee to choose one of the following options:

1. Take leave for a period or periods of a particular duration (not greater than the duration of the planned treatment); or
2. Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

If the employee fails to give the required notice of the foreseeable leave, the District may require the employee to take one of the above-listed options or may require the employee to delay taking the leave until the notice requirements have been satisfied.

Leave that is taken for a period that ends with the school year and continues at the beginning of the next school year is not considered intermittent but is considered consecutive.

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If an instructional employee chooses to take leave for periods of a particular duration in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

29 CFR § 825.601
29 CFR § 825.603(a)

Foreseeable Leave—

An employee shall make a reasonable effort to:

1. provide the District with at least 30 days prior written notice of any anticipated leave under this policy whenever the leave is foreseeable; and
2. schedule treatment so as not to unduly disrupt the operations of the District.

29 CFR § 825.302

Employer Notification—

The District shall post in a conspicuous place on school premises a notice of rights under this policy [This Notice must be approved by the Secretary of Labor. *See* Policy Exhibit 1.]

Upon receipt of a written request for Family Medical Leave, the District will provide the employee written notification of the status of the leave request within 5 working days.

Spouses of Employees Employed by the District—

In any case where both husband and wife are employees of the District and both seek leave under this policy, such leave shall be limited to an aggregate of the maximum allowed individual leave during any 12-month period if:

1. Leave is sought to care for a newborn daughter or son or the adoption of a daughter or son; or
2. Leave is sought to care for a sick parent.

29 CFR § 825.201

Certification for Leave for Qualifying Exigencies—

All leave under this policy taken because of a military qualifying exigency shall be supported by a certification from the employee that includes:

1. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency which are sufficient to support the need for leave, including information on the type of qualifying exigency and any available written documentation which supports the request.
2. The approximate date on which the qualifying exigency commenced or will commence.
3. If the request is for leave for a single, continuous period of time, the beginning and end dates of the absence.

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4. If the request is for leave on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency.
5. If the exigency involves meeting with a third party, appropriate contact information for the person with whom the employee is meeting (such as the name, title, organization, address, telephone number, and email) and a brief description of the purpose of the meeting.
6. If the exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders or other documentation indicating that such leave has been granted, and the dates of the leave.
7. If the exigency is covered active duty or call to covered active duty status, then the first time that leave is requested because of that duty or call to duty, the employee must provide a copy of the orders or other documentation showing the status or call to status and the dates of the covered active duty service.

29 CFR § 825.309

Required Medical Certification—

All leave under this policy taken because of a serious health condition (of the employee or another) must be supported by a certification issued by a health care provider. (This requirement does not apply to leave taken for birth or adoption.)

1. The Board hereby designates all qualifying leave as Family Medical Leave.
2. The medical certification shall be provided at least fifteen (15) days after leave is requested or when the employee begins unforeseeable leave.
3. A certification is sufficient if it states:
   a. The name, address, telephone number, fax number, and type of practice or specialty of the health care provider
   b. The approximate date on which the serious health condition commenced.
   c. The probable duration of the condition.
   d. A statement or description of appropriate medical facts regarding the health condition for which the leave is requested which are sufficient to support the need for leave. (This may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medicine has been prescribed, referrals to other medical providers, or any regimen of continuing treatment.)
   e. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions and the likely duration of such inability.

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f. If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care and an estimate of the frequency and duration of the leave required to care for the family member.

g. If intermittent or reduced-schedule leave is requested for planned treatment of a serious medical condition (of the employee or a family member), information sufficient to establish the medical necessity for such intermittent or reduced-schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery.

h. If intermittent or reduced-schedule leave is requested for the employee's serious health condition (including pregnancy) that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced-schedule leave and an estimate of the frequency and duration of the episodes of incapacity.

i. If intermittent or reduced-schedule leave is requested for to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

4. The District may require the employee taking Family Medical Leave to complete the attached Fitness for Duty Certification prior to his/her return to work at the District. *See* Policy Exhibit 2

29 CFR § 825.202
29 CFR § 825.312

Required Medical Certification for Military Caregiver Leave—

When leave is taken to care for a covered service member with a serious injury or illness, the employee must provide a certification which satisfies the requirements of 29 CFR § 825.310.

29 CFR § 825.310

Other Provisions—

1. An employee who takes leave in conformance with this policy is entitled to:
   a. be restored to the position held by the employee prior to leave; or
   b. be provided an equivalent position in terms of benefits, pay and responsibilities.
2. No benefit accrued prior to taking leave shall be lost as a result of taking leave under this policy.
3. The employee shall not accrue any seniority or employment benefits during any period of leave.

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4. The District may deny restoration of employment or an equivalent position to a key employee under circumstances and to the extent provided for by applicable regulations, which in general provide for this if:
   a. The denial is necessary to prevent substantial and grievous economic injury to the operations of the District;
   b. The District notifies the employee that it intends to deny restoration when it determines that injury would occur;
   c. The employee elects not to return to employment after receiving notice; and
   d. The employee is paid on a salary basis and is among the highest paid 10% of employees of the District.
5. If an employee fails to return to work after leave expires for reasons other than continuation, recurrence, or onset of a serious health condition of the employee, son, daughter, or spouse, or for other reasons outside of the employee's control, then the District may recover the premium paid for maintaining coverage for the employee during the leave period.

29 CFR § 825.215
29 CFR § 825.213
29 CFR § 825.214
29 CFR § 825.216
29 CFR § 825.217
29 CFR § 825.218
29 CFR § 825.219

Rules for Instructional Employee Leave Near End of Academic Term—

An "academic term" is a school semester, typically ending near the end of the calendar year and the end of the school year in the spring. (For FMLA purposes, the District cannot have more than 2 academic terms in a year.)

If an instructional employee begins leave more than 5 weeks prior to the end of an academic term, the employee must continue taking unpaid leave until the end of the academic term if:

1. The leave requested is of at least 3 weeks duration; and
2. The return to employment would occur during the 3-week period before the end of the academic term.

If the employee begins leave for reasons other than a personal serious health condition which commences less than 5 weeks prior to the end of the academic term, then the employee must continue to take unpaid leave until the end of the academic term if:

1. The leave requested is of greater than a 2-week duration;
2. The return to employment would occur during the 2-week period before the end of the academic term.

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If the employee begins leave for reasons other than personal serious health condition during the period that commences 3 weeks prior to the end of the academic term and the leave is greater than 5 working days, then the employee must continue to take unpaid leave until the end of the academic term.

If an instructional employee is required under these rules to take leave until the end of the academic term, only the period of leave until the employee is ready and able to return to work is charged against the employee's FMLA leave allotment.

29 CFR § 825.602
29 CFR § 825.603

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Your Rights Under the Family and Medical Leave Act of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

REASONS FOR TAKING LEAVE

Unpaid leave must be granted for any of the following reasons:

1. to care for the employee's child after birth, or placement for adoption or foster care;
2. to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
3. for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.
The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable".
An employer may require medical certification to support a request for leave because of a serious health condition and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection

For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan". Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

1. interfere with, restrain, or deny the exercise of any right provided under FMLA;

2. discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT

1. The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
2. An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION:

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

U.S. Department of Labor, Employment Standards Administration
WH Publication 1420, Wage and Hour Division
Washington, D.C. 20210

Policy Exhibit #2 DKC

_____District
Certificate of
Fitness for Duty

_____ (employee's name) is a patient of mine. It is my understanding that _____'s (employee's name) employment with the _____ School District requires him/her to be able to perform the following activities with accompanying weekly time requirements:

_____

_____

_____

_____

_____

_____

_____

_____

On _____,(date) I personally evaluated _____ (employee's name). I certify that based upon my education and clinical expertise _____ (employee's name) is fit to return to his/her employment with the _____ District.

_____
Signature

_____
Title

Nursing Mothers in the Workplace

This policy is adopted in conformance with the provisions of Nursing Mothers in the Workplace, Utah Code § 34-49-101 et seq.

Reasonable Breaks—

With regard to a breastfeeding employee, the District shall provide, for at least one year after the birth of the employee's child, reasonable breaks to accommodate the employee's needs to breast feed or express milk. The District shall consult with the employee to determine the frequency and duration of the breaks. A break shall, to the extent possible, run concurrent with any other break period otherwise provided to the employee.

Utah Code § 34-49-202 (2016)

Private Location—

The District shall provide for a breastfeeding employee a room or other location in close proximity to the breastfeeding employee's work area. The room or location may not be a bathroom or toilet stall. The room or location shall be maintained in a clean and sanitary condition, provide privacy shielded from the view of and intrusion from coworkers or the public, be available for the reasonable breaks as determined in consultation with the District and have an electrical outlet.

The District is not required to provide a room or other location if compliance would create an undue hardship on the operations of the District by causing the District significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the District's operations.

Utah Code § 34-49-202 (2016)

Refrigerator or Freezer—

The District shall provide access to a clean and well-maintained refrigerator or freezer for the temporary storage of a breastfeeding employee's breast milk. For any District employees who do not work in an office building, the District may instead provide a non-electric insulated cooler for storage of the breast milk.

Utah Code § 34-49-202 (2016)

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Employee Bullying and Hazing

Note--

Utah Code § 53G-9-605 requires that this policy be developed with input from students, parents, teachers, school administrators, school staff, or law enforcement agencies. Therefore, seek input from one or more of these groups prior to adopting this policy. This policy regulates employee conduct. There is a corresponding policy applicable to student conduct, Policy FGAD, and the policies should be considered together as part of the District's bullying and hazing policy. The current statutory deadline for updating the District bullying policy is September 1, 2018.

Definitions—

1. "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.
2. "Bullying" means intentionally committing a written, physical, or verbal act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have one of the following effects:
   a. causing physical or emotional harm to the school employee or student;
   b. causing damage to the school employee or student's property;
   c. placing the school employee or student in reasonable fear of:
      i. harm to the school employee's or student's physical or emotional well-being; or
      ii. damage to the school employee's or student's property.
   d. creating a hostile, threatening, humiliating, or abusive educational environment due to:
      i. the pervasiveness, persistence, or severity of the actions; or
      ii. a power differential between the bully and the target; or
   e. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

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

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3. “Communication” means the conveyance of a message, whether verbal, written, or electronic.
4. “Cyber-bullying” means:
   a. 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.
   b. In addition, any communication of this form that is generated off-campus but causes or threatens to cause a material and substantial disruption at school or interference with the rights of students to be secure may also be considered cyber-bullying.
5. “Hazing” means a school employee intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:
   a. meets one of the following:
      i. endangers the mental or physical health or safety of a school employee or student; or
      ii. 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;
      iii. 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
      iv. 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 either
   b. 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
   c. is directed toward a school employee or student whom the actor knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.

   The conduct described 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.

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Utah Admin. Rules R277-613-2 (May 24, 2022)
Utah Code § 76-5-107.5 (2022)
Utah Code § 53G-9-601(1) to (5) (2019)

6. "Incident" means one or more infractions committed by a student or a group of students acting in concert, at the same time and place.

   Utah Admin. Rules R277-613-2 (May 24, 2022)

7. "Infraction" means an act of prohibited behavior.

   Utah Admin. Rules R277-613-2 (May 24, 2022)

8. "Retaliate" means an act or communication intended:

   a. as retribution against a person for reporting bullying, cyberbullying, abusive conduct, or hazing; or

   b. to improperly influence the investigation of, or the response to, a report of bullying, cyberbullying, abusive conduct, or hazing.

   Utah Code § 53G-9-601(8) (2019)

9. "School employee" means:

   a. school administrators, teachers, and staff members, as well as others employed or authorized as volunteers, directly or indirectly, by the school, school board, or school district and who works on a school campus.

   Utah Code § 53G-9-601(10) (2019)

10. "Volunteer" means a non-employee with significant, unsupervised access to students in connection with a school assignment.

    Utah Admin. Rules R277-613-2(16) (May 24, 2022)

Bullying Prohibited—

No school employee may engage in bullying of a student or of a school employee.

School employees who engage in bullying are in violation of this policy and verified infractions shall result in disciplinary action up to and including termination, consistent with the District's Orderly Termination policy (DHA).

Anonymous reports of bullying alone cannot constitute the basis for formal disciplinary action.

The school or District may also report infractions to law enforcement.

Utah Code § 53G-9-605 (2019)
Utah Admin. Rules R277-613-4(1)(a) (May 24, 2022)

Hazing and Cyber-bullying Prohibited—

No school employee may engage in hazing or cyber-bullying of a student or of a school employee at any time or at any location.

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School employees who engage in hazing or cyber-bullying are in violation of this policy and verified infractions shall result in disciplinary action up to and including termination, consistent with the District's Orderly Termination policy (DHA).

The school may also determine to break up or dissolve a team, organization, or other school-sponsored group for hazing violations by its members.

Anonymous reports of hazing or cyber-bullying alone cannot constitute the basis for formal disciplinary action.

The school or District may also report infractions to law enforcement.

Utah Code § 53G-9-605 (2019)
Utah Admin. Rules R277-613-4(1)(a) (May 24, 2022)

Retaliation Prohibited—

No school employee may engage in retaliation against a school employee, a student, or an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation against a school employee or student, or an alleged incident of abusive conduct.

School employees who engage in retaliation are in violation of this policy and verified infractions shall result in disciplinary action up to and including termination, consistent with the District's Orderly Termination policy (DHA).

Anonymous reports of retaliation alone cannot constitute the basis for formal disciplinary action.

The school shall inform students who have reported being subject to bullying, cyber-bullying, or hazing and these students' parents that retaliation is prohibited and shall encourage the students and parents to be aware of and to report any subsequent problems or new incidents.

Utah Code § 53G-9-605 (2019)
Utah Admin. Rules R277-613-4(1)(a) (May 24, 2022)

Making a False Report Prohibited—

No school employee may make a false allegation of bullying, abusive conduct, cyberbullying, hazing, or retaliation against a school employee or student.

School employees who engage in making such false allegations are in violation of this policy and verified infractions shall result in disciplinary action up to and including termination, consistent with the District's Orderly Termination policy (DHA).

Utah Code § 53G-9-605(3)(d) (2019)
Utah Admin. Rules R277-613-4(1)(a) (May 24, 2022)

Action Plan—

Upon receipt of a reported incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, the school principal or designee shall promptly review and investigate the allegations. This investigation shall include interviewing the alleged

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targeted individual, the individual alleged to have engaged in prohibited conduct, the parents of the alleged target and alleged perpetrator, any witnesses to the conduct, school staff familiar with the alleged victim, and school staff familiar with the alleged perpetrator. The principal or designee may also review physical evidence, including but not limited to video or audio recordings, notes, email, text messages, social media, and graffiti. The principal or designee shall inform any person being interviewed that the principal or designee is required to keep the details of the interview confidential to the extent allowed by law and that further reports of bullying will become part of the investigation.

Utah Admin. Rules R277-613-5(2), (3), (4) (May 24, 2022)

When the available information indicates that an infraction may also constitute a civil rights violation, the principal or designee shall also investigate that possible violation and take such disciplinary or other action as may be warranted.

Utah Admin. Rules R277-613-5(6) (May 24, 2022)

When it is determined that a student has been bullied, cyber-bullied, or hazed, this plan of action should include consideration of what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.

Utah Code § 53G-9-605(3)(g) (2019)

The plan of action may include supporting involved students through trauma-informed care practices, if appropriate, as defined in Utah Admin. Rules R277-613-2(15).

Utah Admin. Rules R277-613-5(7) (May 24, 2022)

The plan of action may also include positive restorative justice practice action, if permitted. Restorative justice practice is a discipline practice that brings together students, school personnel, school families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and promote healing. An alleged targeted student is *not* required to participate in a restorative justice practice with an alleged perpetrator. If the principal or designee desires to have a student participate, the principal or designee shall first inform that student's parent about the restorative justice practice and obtain the parent's consent prior to such participation.

Utah Admin. Rules R277-613-2(12) (May 24, 2022)
Utah Admin. Rules R277-613-5(7), (8) (May 24, 2022)

If any retaliation occurs, the principal or designee shall take strong responsive action against it, including but not limited to providing assistance to any targeted individual and his or her parent in reporting subsequent problems and new incidents.

Utah Admin. Rules R277-613-4(5) (May 24, 2022)

The principal or designee shall follow up with parents of all students involved (victim or perpetrator), informing parents when an investigation is concluded, what safety measures will be in place for their child as determined by the investigation, of

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additional information about the investigation to the extent consistent with the Family Educational Rights and Privacy Act of 1974 ("FERPA"), and of any available appeal options if a parent disagrees with the resolution of the investigation.

Utah Admin. Rules R277-613-5(10) (May 24, 2022)

Training and Education—

Each school shall establish procedures for training school employees, coaches, volunteers and students on bullying, cyber-bullying, hazing, retaliation, and abusive conduct. The principal or designee shall be the point person to assist, direct, and supervise training on these matters.

Training to students, staff, and volunteers shall:

1. Include information on:
   a. Bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
   b. Discrimination under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
   c. How bullying, cyber-bullying, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination,
   d. How bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based on the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes, or conformance or failure to conform with stereotypes, and
   e. The right of free speech and how it differs for students, employees, and parents;
2. Complement the suicide prevention program required for students and the suicide prevention training required for licensed educators; and
3. Include information on when issues relating to these standards may lead to employee or student discipline.

Utah Admin. Rules R277-613-4(6) (May 24, 2022)
Utah Admin. Rules R277-613-5(1)(c) (May 24, 2022)
Utah Admin. Rules R277-605-6(4) (July 22, 2022)

This training shall be provided to all new employees, coaches, and volunteers within the first year of service and shall be provided to all employees, coaches, and volunteers at least once every three years after the initial training.

Utah Admin. Rules R277-613-4(7) (May 24, 2022)
Utah Admin. Rules R277-605-6(4) (July 22, 2022)

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In addition to training school employees and educating students mentioned above, all volunteer coaches, employees, and students involved in any curricular athletic program or any extra-curricular club or activity shall:

1. Complete bullying, cyber-bullying, harassment, hazing, and abusive conduct prevention training prior to participation;
2. Repeat bullying, cyber-bullying, harassment and hazing prevention training at least every three years;
3. Be informed annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

The content of this activity training shall be developed in collaboration with the Utah High School Activities Association (UHSAA) and the training shall also be provided in collaboration with UHSAA. The school shall obtain and keep signature lists of the participants in the activity training.

Utah Admin. Rules R277-613-6 (May 24, 2021)
Utah Admin. Rules R277-605-6(4) (July 22, 2022)

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying, harassment, hazing, or cyber-bullying.

Utah Code § 53G-9-605 (2019)

The District may also offer voluntary training to parents and students regarding abusive conduct.

Utah Code § 53G-9-607(1)(b) (2020)

The principal or designee responsible for reviewing and investigating allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct shall receive training on conducting a review and investigation as provided for in this policy.

Utah Admin. Rules R277-613-5(1)(b) (May 24, 2022)

Assessment—

Subject to the requirements of Utah Code § 53E-9-203 regarding parental consent for certain types of inquiries of students, each school shall regularly (and at least once per year) conduct assessment through student input (surveys, reports, or other methods) of the prevalence of bullying, cyberbullying, and hazing in the school, and specifically in locations where students may be unsafe and adult supervision may be required such as playgrounds, hallways, and lunch areas.

Utah Admin. Rules R277-613-4(4) (May 24, 2022)
Utah Code § 53E-9-203 (2022)

Publication and Acknowledgment—

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A copy of this policy shall be included in employee handbooks, shall be provided to the parent of each student enrolled in the District, and shall be available on the District website.

Each employee shall annually provide a signed statement stating that the employee has received a copy of this policy; however, such a statement is not a substitute for having met the training requirements of this policy.

Utah Code § 53G-9-605(3)(h), (4) (2019)
Utah Admin. Rules R277-613-4(1)(d), (2) (May 24, 2022)

Parental Notification of Incidents—

The school shall notify the parent of a student who is involved in an incident of bullying, hazing, cyber-bullying, abusive conduct, or retaliation (whether as a target or as a perpetrator).

The school is also required to notify the parent of a student who threatens to commit suicide. (*See* Policy FDACE.) In addition, the school shall produce and maintain a record that verifies that the parent was notified of the threats or incidents listed above. The record is a private record for purposes of the Government Records Access and Management Act.

The process for notifying a parent shall consist of:

1. The school principal or designee shall attempt to make personal contact with a parent when the school has notice of a threat or incident listed above. It is recommended that the parent be informed of the threat or incident with two school people present. If personal contact is not possible, the parent may be contacted by phone. A second school person should witness the phone call.
2. Contact with the parent must be documented in a "Verification of Parent Contact Regarding Threat or Incident."

(A copy of the “Verification of Parent Contact Regarding Threat or Incident” is attached below.) Subject to laws regarding confidentiality of student educational records, at the request of a parent, a school may provide information and make recommendations related to an incident or threat.

Utah Code § 53G-9-604 (2019)
Utah Admin. Rules R277-613-4(3) (May 24, 2022)

The record of parental notification shall be maintained in accordance with Policy FE, Policy FEA, Utah Code Title 53E, Chapter 9, Part 3, Student Data Protection,” Title 53E, Chapter 9, Part 2, Student Privacy, and the Federal Family Educational Rights and Privacy Act (“FERPA”). A copy of the record of parental notification shall upon request be provided to the student to whom the record relates. After the student has graduated, the District shall expunge the record of parental notification upon request of the student.

Utah Code § 53G-9-604(2)(b) (2019)

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Report to State Superintendent—

Each year, on or before June 30, the District shall submit a report to the State Superintendent which includes (1) a copy of the District's bullying policy; (2) confirmation of compliance with the requirement to obtain a signed acknowledgment of the policy from students, parents, and employees; (3) verification of required training regarding bullying, cyber-bullying, hazing, retaliation, and abusive conduct; (4) the number of verified and alleged incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct; and (5) the number and type of those incidents that either included a student or employee who is part of a federally protected class or was bullied, cyber-bullied, hazed, or retaliated against because of the student's or employee's actual or perceived disability, race, national origin, religion, sex, gender identity, sexual orientation, or other characteristic.

Utah Admin. Rules R277-613-5(11) (May 24, 2022)

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VERIFICATION OF PARENT CONTACT REGARDING THREAT OR INCIDENT

I, [Name] , principal or principal's designee, contacted [Name of parent or guardian] on [Date] and notified him or her that [Name of student] has made suicidal threats or was involved in an incident of bullying, hazing, cyber-bullying, abusive conduct, or retaliation. Contact was made:

[__] in person

[__] by telephone (number used: _____)

[__] by email (email address used: _____)

[__] by other method (specify): _____

Notice was given of:

[__] suicide threat

[__] bullying incident

[__] cyber-bullying incident

[__] abusive conduct incident

[__] hazing incident

[__] retaliation incident

[Name of school staff member]_____ , witnessed the contact.

_____	_____	_____
Principal or Principal's Designee	Title	Date

_____	_____	_____
School Staff Member	Title	Date

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Grievances Regarding Abusive Conduct

Purpose—

The purpose of this policy is to provide employees an orderly process for the resolution of grievances regarding abusive conduct by students or parents, as required by statute.

Utah Code § 53G-9-605(3)(f) (2019)

Definition of abusive conduct—

"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.

Utah Code § 53G-9-601(1) (2019)

Grievance process—

An employee who has experienced abusive conduct by a student or parent may present a grievance regarding such conduct. The grievance shall be in writing, shall specify the particular conduct complained of, shall identify the student(s) and parent(s) engaging in the abusive conduct, and shall specify the employee's proposed resolution of the grievance. The grievance shall be delivered to the school principal or the principal's designee.

Upon receipt of the grievance, the principal or designee shall investigate the grievance, including obtaining information regarding the allegations from the student and the student's parent(s). The principal or designee shall determine what relief, if any, may be appropriate to provide to the employee and shall provide such relief. The principal or designee may, if appropriate, provide an opportunity to the student or parent to respond regarding the employee's proposed resolution. The principal or designee shall also, if the student has not previously been disciplined for the alleged abusive conduct, consider whether disciplinary action should be taken against the student. Any such disciplinary action shall be handled separately from the grievance and according to the student discipline policies.

If the employee is dissatisfied with the decision of the principal or designee regarding the grievance, the employee may implement a grievance under the District's general grievance policy, Policy DHC, Redress of Grievances.

Utah Admin. Rules R277-613-5(9) (May 24, 2022)
Utah Admin. Rules R277-613-7(2) (May 24, 2022)

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Time Limitation—

To be considered under this policy, a grievance regarding abusive conduct must be presented no later than 30 days after the latest incident of conduct complained of.

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Employee Acceptable Use of Electronic Devices

Purpose—

District employees' job responsibilities may require them to use electronic devices or may be more efficiently and effectively fulfilled by use of such devices. District employees may also wish to use electronic devices for personal purposes during work time. However, electronic devices are subject to misuse and in some circumstances can have the effect of distracting and disrupting the employee and others in the school setting and may also lead to the disruption of the educational process. The purpose of this policy is to vest in school and District administrators the authority to enforce reasonable rules relating to electronic devices in the workplace and to establish the framework for acceptable use of such devices. Policy DMB contains additional standards relating to District-owned devices and devices being used to conduct District business.

Utah Admin. Rules R277-495-3(1) (April 8, 2019)

Definitions—

1. "Electronic device" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including:
   a. a smart phone
   b. a smart or electronic watch;
   c. a tablet; or
   d. a virtual reality device.
2. "Guest" means an individual who is not a student, employee, or designated volunteer of a District school who is on school property or at the site of a school-sponsored activity or event.
3. "Inappropriate matter" means pornographic or indecent material as defined in Utah Code § 76-10-1235(1)(a).

Utah Admin. Rules R277-495-2(2), (3), (4) (April 8, 2019)
Utah Admin. Rules R277-495-4(1)(a) (April 8, 2019)

General requirements for acceptable use of electronic devices—

Employee use of electronic devices must comply with Policy EEB (regarding internet and school network use), Policy DAI (employee code of conduct), Policy DKB (regarding sexual harassment), Policy DKBA (regarding interactions with students), Policies FE and FEA (relating to privacy of student records and information) and any other applicable District policies. Certified employee use of electronic devices must also comply with the Utah Educator Standards (*see* Utah Admin. Rules R277-217-1 and following). Employees shall not use electronic

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devices in any way which violates local, state or federal laws. Employees shall not use electronic devices in ways that bully, humiliate, harass, or intimidate school-related individuals, including students, employees, and guests.

Utah Admin. Rules R277-495-4(1)(a), (c), (f), (g) (April 8, 2019)

Employee use of an electronic device on school premises (or use of school connectivity) to access inappropriate matter is prohibited by this policy. It is also illegal, may have criminal consequences, shall be reported to law enforcement, and may have adverse employment consequences including termination from employment.

Utah Admin. Rules R277-495-4(1)(c), (3)(a) (April 8, 2019)
Utah Code § 76-10-1235 (2007)

Electronic devices must be used in an ethical and responsible manner and must not be used to invade others' reasonable expectations of privacy. Students and others in the public schools should not be subject to video or audio capture, recording, or transmission of their words or images by any employee without express prior notice and explicit consent for the capture, recording, or transmission of such words or images. There are certain situations where the possession or use of electronic devices and cameras is absolutely prohibited within District schools, including locker rooms, counseling sessions, washrooms, and dressing areas.

Utah Admin. Rules R277-495-4(4)(a) (April 8, 2019)

Electronic devices must not be used in hacking (obtaining unauthorized access to or disrupting in any way) any District network or any District electronic device.

Utah Admin. Rules R277-495-4(1)(f) (April 7, 2019)

Personally owned electronic devices—

Employees may carry and use personally owned electronic devices on school property subject to this policy and any additional rules and regulations promulgated by the Board of Education.

Personal electronic devices should not be turned on during the employee's normal duty time to send or receive messages of a personal nature except in emergency situations or with pre-approval from the superintendent or school principal or designee. This includes all times when the employee has direct supervisory responsibility for students or school activities, including after regular school hours (such as at evening school-sponsored events). Personal use of an electronic device is allowable during normal break times, lunch times, preparation times, and outside of regular school hours when the employee does not have direct supervisory responsibility. Personal electronic devices should not be used during instructional time or at school-sponsored programs, meetings, in-services, conferences with parents or guardians, or any other time where there would be a reasonable expectation of quiet attentiveness. Personal electronic devices should

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not be used while operating a District motor vehicle except as permitted by governing motor vehicle or other laws and then only when that can be done safely.

Training—

Each school shall, within the first 45 days of each school year, provide school-wide or in-classroom training to employees that covers:

1. The District's internet and electronic device policies (Policies DMA, DMB, FGAB, and EEB);
2. The importance of digital citizenship;
3. The District and school's student conduct and discipline policies;
4. The benefits of connecting to the internet and using the school's internet filters while on school premises; and
5. The discipline related consequences of violating internet and electronic device policies.

Utah Admin. Rules R277-495-5 (April 8, 2019)

Notice of policy—

Copies of the District's internet and electronic device policies shall be available on the District's website in the same location as the District's data governance plan and shall also be available at the District office, at school administration offices.

Utah Admin. Rules R277-495-3(4) (April 8, 2019)

Consequences for violating policy—

Violation of this policy or of Policies DMB or EEB may result in disciplinary action against the employee up to and including termination of employment.

Utah Admin. Rules R277-495-4(4)(c) (April 8, 2019)

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Employee Acceptable Use of District Electronic Devices

Purpose—

District electronic devices shall be used to support the educational and business requirements of the District. District electronic devices shall be used in compliance with all federal, state, and local laws and regulations, and in a cost-effective and ethical manner. This policy also applies to usage of private electronic devices by District employees to the extent used for District business. Failure to comply with this policy may result in suspension of the privilege of using a District electronic device, disciplinary action, or both.

Definitions—

1. "Electronic device" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument Including:
   a. A smart phone;
   b. A smart or electronic watch;
   c. A tablet; or
   d. A virtual reality device.
2. "District electronic device" means an electronic device which is identified as being owned, provided, issued or lent by the District to an employee or student.

Utah Admin. Rules R277-495-2(2), (6) (April 8, 2019)

Eligible Users—

District electronic devices are to be used only by District employees. All employees requiring the use of a District electronic device shall read this policy and sign the declaration of having done so which is Exhibit 1 to this policy.

Acceptable Use—

District electronic devices, or any electronic device primarily used to conduct District business, must be used in accordance with the following standards, in addition to those set out in Policy DMA:

1. District electronic devices are to be used only for District business. Personal use of these devices is prohibited except in emergency situations or with pre-approval from the superintendent or school principal or designee. In the event personal calls are made or received on a District electronic device, including personal emergency calls, the employee must reimburse the District for all costs incurred.

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2. District electronic devices are valuable and should be handled with care. Loss, theft, or damage to a District electronic device must be reported immediately to the user's supervisor. If loss, theft, or damage occurs as a result of employee negligence, the employee to whom the device is assigned will be responsible for reimbursing the District for repair or replacement costs.
3. District electronic devices are to be used in an ethical and responsible manner. No employee is to use a District electronic device for the purpose of illegal transactions, harassment, obscene or offensive behavior, to access or create inappropriate matter, for unauthorized access to an electronic network or files or another electronic device (hacking or similar unlawful behavior) or other violations of District policies or federal, state, or local laws, regardless of whether the device is located on District property when the misuse occurs or is located elsewhere.

   Utah Admin. Rules R277-495-4(1)(b), (f), (3)(a), (4)(a) (April 8, 2019)
4. If the employee assigned to use the District electronic device does not return the device and/or related equipment when requested, the employee will be required to reimburse the District for the purchase price of the device and/or related equipment.
5. Employees have no expectation of privacy in using District electronic devices. Such devices and all information contained on them may be inspected or searched at any time, either directly or remotely. Employees are prohibited from operating District devices in such a way as to conceal the use which has been made of the device, nor may employees install or permit installation of software or other means to accomplish the same purpose. Employees should be aware that a personal electronic device which is used to conduct District business may become subject to public records requests or other legally required disclosure to the extent of such use.
6. District electronic devices should be used judiciously during instructional time or at school-sponsored programs, meetings, in-services, conferences with parents or guardians, or any other time where there would be a reasonable expectation of quiet attentiveness.
7. District electronic devices are to be used in a safe manner. Employees should not use these devices while operating a non-District motor vehicle except to the extent permitted by governing motor vehicle or other laws. (General restrictions on use of electronic devices while operating District vehicles are set out in Policy DMA and specific restrictions applicable to school buses are set out in Policy CJDG.)

Misuse of District Electronic Device—

An employee who is issued or provided a District electronic device remains at all times responsible for that device. The employee will be held responsible for use or misuse of the device by the employee or by anyone else, except for uses

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occurring after the employee has given the District notice that the device has been lost or stolen. Consequences of misusing a District electronic device may include adverse employment action up to and including termination from employment.

Utah Admin. Rules R277-495-4(3)(b) (April 8, 2019)

Responsibility for Device Cancellation Charges—

If an employee misuses a District electronic device or leaves District employment, the employee may be responsible for fees or charges associated with cancellation of the service contract.

If the Superintendent or designee determines that the employee no longer needs a District electronic device to perform the employee's job responsibilities, any fees or charges associated with cancellation of the service contract shall be the responsibility of the District.

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Policy Exhibit #1

Employee Declaration—

I, _____ , have read and understood Policy DMB, Employee Acceptable Use of District Electronic Devices, and agree to adhere to the rules outlined therein.

_____ _____

Employee signature Date

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Use of District Email for Political Purposes

Definitions—

1. A “political purpose” means an act done with the intent or in a way to influence, or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against (a) any candidate for public office at any caucus, political convention, primary, or election, or (b) any judge standing for retention at any election.
2. An initiative means a new law proposed for adoption by the public as provided in Utah Code Title 20A, Chapter 7.
3. A “proposed initiative” means an initiative proposed in an application filed under Utah Code § 20A-7-202 or Utah Code § 20A-7-502.
4. A “referendum” means a process by which a law passed by the Legislature or by a local legislative body is referred to the voters for their approval or rejection.
5. A “proposed referendum” means a referendum proposed in an application filed under Utah Code § 20A-7-302 or Utah Code § 20A-7-602.
6. A “campaign contribution” means any of the following when done for a political purpose or to advocate for or against a ballot proposition:
    a. a gift, subscription, donation, loan, advance, deposit of money, or anything of value given to a filing entity (an entity subject to campaign and campaign finance reporting requirements);
    b. an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything of value to a filing entity;
    c. any transfer of funds from a reporting entity (a candidate, a candidate’s personal campaign committee, a judge, a judge’s personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization) to a filing entity;
    d. compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
    e. remuneration from:
        i. any organization or the organization’s directly affiliated organization that has a registered lobbyist; or
        ii. any agency or subdivision of the state, including a school district; or

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f. an in-kind contribution.

Utah Code §20A-7-101(10), (25) (2022)
Utah Code § 20A-11-101(3), (17), (41) (2022)
Utah Code § 20A-11-1202, (3), (6), (11), (12), (13) (17) (2019)

District Email May Not be Used for Political Purposes—

No person may use any District email system or service for a political purpose, or to solicit a campaign contribution, or to advocate for or against a proposed initiative, initiative, proposed referendum, or referendum. An email sent in violation of this restriction is a record subject to the Government Records Access and Management Act and is not considered a personal note or personal communication.

Utah Code § 20A-11-1205(1), (7) (2019)

This prohibition does not apply in any of the following circumstances:

1. The person sending the email is directly providing information solely to another person or group of people in response to a question asked by the other person or group of people.
2. The information that the person emails is an argument or rebuttal argument prepared under Utah Code § 20A-7-401.5 or Utah Code § 20A-7-402 and the email satisfies all of the requirements of Utah Code § 20A-11-1205(5)(c).
3. The person is engaging in:
   a. Communication solely within the District (with persons who have email accounts in the District's email system); or
   b. Communication solely with another public entity; or
   c. Communication solely with the District's legal counsel; or
   d. Communication solely with the sponsors of the initiative or referendum that the email relates to.

   Utah Code § 20A-11-1205(5)(b), (c) (2019)

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EAA

Instructional Goals, Objectives, and Evaluation: *Adoption and Purpose*

K-12 Curriculum—

The District shall provide a well-balanced curriculum in accordance with state law and State Board rules. Effective instruction shall be delivered to all enrolled students and instruction provided in the essential elements of each subject at appropriate grade levels. The essential elements represent the core knowledge, skills, and competencies all students should learn to be effective and productive members of society. The District may add elements at its discretion but shall not delete or omit instruction in the essential elements.

Adoption of Instructional Materials—

The Board shall adopt instructional materials in an open and regular meeting of the School Board for which notice is given to parents and guardians of students. Public comment shall be taken by the Board of Education related to curriculum.

Report to State Board of Education—

The Board of Education shall make a written report to the State Board of Education which states the action taken and specifically identifies the curriculum materials adopted by the Board of Education.

Improvement of Instructional Program in General—

The Board shall annually review data, including statewide assessment results and evaluations, regarding student progress in the essential curriculum elements and other pertinent information and identify areas of needed improvement. Based upon the findings of the review, the District shall make necessary adjustments in instructional programs. The District shall provide a professional development program that provides teachers, principals, and other professional staff with the training required to successfully establish and maintain statewide assessments.

Utah Code § 53E-4-311(3) (2021)

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Term of Instruction:
School Year

Length of school year—

The schools of the District shall provide educational services over a minimum of 180 school days during each school year, except as follows: The Board may reallocate up to 32 instructional hours or 4 school days for teacher preparation time or professional development by a two-thirds majority vote of the Board in a properly noticed and held public meeting. If a reallocation is made, parents and guardians shall be notified of the school calendar at least 90 days before the beginning of the school year. (During the 2021-2022 and 2022-2023 school years, as needed due to circumstances arising from the COVID-19 pandemic within the District or within a particular school, this notice may be given at least 14 calendar days before the reallocated instructional hours or school days.)

Utah Admin. Rules R277-419-5(1) (March 15, 2022)
Utah Code § 53F-2-102(4)(d) (2022)

The required days of instruction may be provided at any time during the school year as determined by the Board. The Board will approve school calendars providing for instructional time and days in an open meeting.

Utah Admin. Rules R277-419-5(2), (6)(g) (March 15, 2022)

If a school is using a modified 45-day/15-day year-round schedule initiated prior to July 1, 1995, it is in compliance with State Board of Education regulations if the school's schedule includes a minimum of 990 hours of time the school will provide educational services over a minimum of 172 days.

Utah Admin. Rules R277-419-14(2) (March 15, 2022)

Semester basis—

The District shall operate on a quarter or semester basis and shall adhere to the requirements of the appropriate curriculum prepared by the State Board of Education.

Beginning date—

Student attendance for the first semester of the regular school term shall be established by the Board pursuant to a calendar adopted annually.

Emergency/Activity days—

The annual school calendar adopted by the Board shall include exigency time for closures for emergencies, activities, or extreme weather conditions. If school is closed for these or any other reason, the instructional time missed shall be made up under the exigency time so that the minimum school program instructional requirements are met. However, the Board may request a waiver from the State

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Superintendent from the instructional day requirement as provided for in Utah Administrative Rules R277-121-5.

Utah Admin. Rules R277-121-5 (April 9, 2020)
Utah Admin. Rules R277-419-5(3) (March 15, 2022)

Parent-teacher and Student plan conferences—

With Board approval, schools may conduct parent-teacher and student Plan for College and Career Readiness conferences during the day and the time for those conferences may be counted as instructional time up to the equivalent of three full school days during a school year.

Utah Admin. Rules R277-419-5(6)(b) (March 15, 2022)

Kindergarten assessment—

The Board may designate up to 12 educational service days at either or both the beginning or end of the school year for assessment of students entering or completing kindergarten. Assessments shall be conducted by qualified school employees. The assessment time per student must be adequate to justify the amount of instructional time used for assessment. Such action must be taken in a properly noticed public meeting and the parents or guardians of these students shall be given notice and an explanation of the assessment well in advance of the assessment period.

Utah Admin. Rules R277-419-5(6)(d), (e) (March 15, 2022)

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Term of Instruction:
School Day

Length and Schedule—

A school day is a day where the school provides educational services to students consistent with the requirements of Utah Admin. Rules R277-419-5.

Utah Admin. Rules R277-419-2(30) (March 15, 2022)

Exceptions for Students With Compelling Circumstances—

In the Board's discretion, the length of the time an individual student is required to be in school on instructional days may be varied for students with compelling circumstances. Such variance will be established on an individual basis according to the student's IEP or Plan for College and Career Readiness.

Utah Admin. Rules R277-419-14(1) (March 15, 2022)

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Term of Instruction:
Summer School

Courses Begun and Completed In Summer School—

Students shall be awarded credit for courses begun and successfully completed during the summer session, in accordance with the following provisions:

1. The program shall meet the same standards as those in effect during the regular school year.
2. The program shall be administered by a specifically assigned staff member with an appropriate administrative endorsement. The administrator shall have the authority and time during the regular school year to plan and organize the summer school program.
3. Libraries and other necessary instructional resources shall be available on the same basis as during the regular term.
4. Courses offered shall include all state-required, essential elements specified for the course, and student progress shall be evaluated according to the same achievement standards used during the regular term.
5. One unit of credit shall meet the prescribed time allocations.
6. No teacher shall be assigned more than six hours of classroom teaching per day.

Regular Term Courses Completed In Summer School—

Students shall be provided an opportunity to complete subjects or courses begun, but not successfully completed, during the regular school term. Such courses shall include all state-required, essential elements specified for the course. Essential elements satisfactorily mastered during the regular term need not be repeated in the summer session. Student progress shall be evaluated according to the same achievement standards used during the regular term.

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Curriculum:
Required Instruction

Required core curriculum—

The District's curriculum shall at least meet the minimum requirements of state law and State Board rules. Those minimum requirements are to contain the essential elements of each subject at appropriate grade levels. The essential elements represent the core knowledge, skills, and competencies all students should learn to be effective and productive members of society. The District may add elements at its discretion but shall not delete or omit instruction in the essential elements.

In addition, the District shall provide character education in connection with regular schoolwork, through an integrated curriculum approach. Instruction in this area shall emphasize honesty, temperance, morality, courtesy, obedience to law, respect for and an understanding of the constitutions of the United States and the state of Utah, the essentials and benefits of the free enterprise system, respect for parents and home, and the dignity and necessity of honest labor and other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students for a richer, happier life.

Utah Code § 53G-10-204 (2022)

K-6 core curriculum—

The K-6 core subject requirements are:

1. English Language Arts
2. Mathematics
3. Science
4. Social Studies
5. Arts;
    a. Visual Arts;
    b. Music;
    c. Dance; or
    d. Theatre
6. Health Education
7. Physical Education
8. Educational Technology;
9. Library Media skills, integrated into the core subject areas; and

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10. Civics and character education, integrated into the core subject areas.

Utah Admin. Rules R277-700-4(2) (August 12, 2021)

Formative assessment will occur on a regular basis to ensure continual student progress. State-approved summative adaptive assessments will be used to assess student mastery of language arts, mathematics, science and (in grade five) effectiveness of written expression.

Utah Admin. Rules R277-700-4(5), (6), (7) (August 12, 2021)

Grades 7-8 core requirements—

In grades 7-8, students shall complete the following courses:

1. Grade 7 Language Arts
2. Grade 8 Language Arts
3. Grade 7 Mathematics
4. Grade 8 Mathematics
5. Grade 7 Integrated Science
6. Grade 8 Integrated Science
7. United States History
8. Utah History
9. At least one course in each of the following in grades 7 or 8:
    a. Health Education
    b. College and Career Awareness
    c. The Arts
    d. Physical Education

Utah Admin. Rules R277-700-5(2), (3) (August 12, 2021)

In addition to the foregoing requirements, the Board of Education may, as it determines appropriate, require a student to complete additional courses, may offer additional elective courses, and may set minimum credit requirements.

Utah Admin. Rules R277-700-5(6) (August 12, 2021)

State-approved summative adaptive assessments will be used to assess student mastery of language arts, mathematics, writing (in grade eight) and science.

Utah Admin. Rules R277-700-5(5) (August 12, 2021)

The District may, upon request of a student or parent and with parental consent, substitute a course requirement set out above with a course, extracurricular activity, or experience that is either similar to the course requirement or consistent with the student's plan for college and career readiness. The request shall be made in writing, shall include a parent's signature, shall identify the proposed substitution,

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and shall explain how the proposed substitution meets the foregoing standard. This request shall be initially evaluated by the counselor responsible for the student, who shall determine whether the request contains the required elements and shall make a recommendation regarding whether the request should be approved or denied. This recommendation shall be submitted to the principal or the principal's designee, who shall grant or deny the request. If the student or parent is dissatisfied with the determination of the principal, the decision can be appealed to the Board of Education or its designee, which shall review the decision and determine whether it should be changed. The decision of the Board or its designee is final.

Utah Admin. Rules R277-700-5(7), (8) (August 12, 2021)

Grades 9-12 core curriculum—

The minimum number of core curriculum credits required for students in grades 9-12 shall be 18, as follows:

1. Language Arts – 4 units, including
    a. Ninth grade level (1 unit);
    b. Tenth grade level (1 unit);
    c. Eleventh grade level (1 unit); and
    d. Twelfth grade level (1 unit), consisting of applied or advanced language arts credit, consistent with the student's Plan for College and Career Readiness, from a list of courses approved by the Board of Education and the State Board of Education, which courses
        i. Are within the field/discipline of language arts, with a significant portion of instruction aligned to language arts content, principles, knowledge, and skills;
        ii. Provide instruction that leads to student understanding of the nature and disposition of language arts;
        iii. Apply the fundamental concepts and skills of language arts;
        iv. Provide developmentally appropriate content; and
        v. Develop skills in reading, writing, listening, speaking, and presentation.
2. Mathematics – 3 units.
    a. This requirement shall be met minimally through successful completion of the foundation or foundation extended courses Secondary Mathematics I, Secondary Mathematics II, and Secondary Mathematics III.
    b. With a written request from the student's parent or guardian, a student may opt out of Secondary Mathematics III. In that case, the student shall successfully complete another mathematics course from among the advanced and applied mathematics courses on the State Board of Education's list of approved mathematics courses.

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c. 7th and 8th grade students may earn credit for one of the mathematics foundation courses before 9th grade, consistent with the student's Plan for College and Career Readiness and if at least one of the following criteria are met:

   i. The student is identified as gifted in mathematics in accordance with the procedures outlined in State Board of Education Rule R277-707;

   ii. The student is dual enrolled at the middle school/junior high school and the high school;

   iii. The student qualifies for promotion one or two grade levels above the student's age group and is placed in 9th grade; or

   iv. The student takes the State Board of Education competency test in the summer prior to 9th grade and earns high school graduation credit for the course.

d. For other students (than those in the prior section) who earn credit for a foundation course before 9th grade, the student shall still fill the required 3 units of credit by successful completion of other mathematics courses approved by the State Board of Education, consistent with the student's Plan for College and Career Readiness, which courses

   i. Are within the field/discipline of mathematics with a significant portion of instruction aligned to mathematics content, principles, knowledge, and skills;

   ii. Provide instruction that leads to student understanding of the nature and disposition of mathematics;

   iii. Apply the fundamental concepts and skills of mathematics;

   iv. Provide developmentally appropriate content; and

   v. Include the Standards for Mathematical Practice as listed in the Utah secondary mathematics core.

e. A student who successfully completes a Calculus course with a "C" grade or better has completed mathematics graduation requirements, regardless of the number of mathematics credits earned.

3. Science – 3 units, including

   a. 2 units from the five science foundation areas:

      i. Earth Systems Science – 1.0 units from the following:

         (1) Earth Science;

         (2) Advanced Placement Environmental Science; or

         (3) International Baccalaureate Environmental Systems

      ii. Biological Science – 1.0 units from the following:

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(1) Biology;

(2) Biology: Agricultural Science & Technology;

(3) Advanced Placement Biology;

(4) International Baccalaureate Biology; or

(5) Biology with Lab Concurrent Enrollment

iii. Chemistry – 1.0 units from the following:

(1) Chemistry;

(2) Advanced Placement Chemistry;

(3) International Baccalaureate Chemistry; or

(4) Chemistry with Lab Concurrent Enrollment

iv. Physics – 1.0 units from the following:

(1) Physics;

(2) Advanced Placement Physics (1, 2, C: Electricity and Magnetism, or C: Mechanics);

(3) International Baccalaureate Physics; or

(4) Physics with Lab Concurrent Enrollment

v. Computer Science – 1.0 units from the following:

(1) Advanced Placement Computer Science;

(2) Computer Science Principles; or

(3) Computer Programming 2; and

b. 1 unit, consistent with the student's Plan for College and Career Readiness, from the foundation courses or a list of applied or advanced science courses approved by the Board of Education and State Board of Education, which courses

i. Are within the field/discipline of science with a significant portion of instruction aligned to science content, principles, knowledge, and skills;

ii. Provide instruction that leads to student understanding of the nature and disposition of science;

iii. Apply the fundamental concepts and skills of science;

iv. Provide developmentally appropriate content;

v. Include the areas of physical, natural, or applied sciences; and

vi. Develop students' skills in scientific inquiry.

4. Social Studies:

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a. 2.5 units from the following:
    i. World Geography – 0.5 units
    ii. World History – 0.5 units
    iii. U.S. History – 1.0 units
    iv. U.S. Government and Citizenship – 0.5 units
b. 0.5 units Social Studies as determined by the District
c. Completion of a basic civics test or alternate assessment (see Policy ECG)

5. Arts – 1.5 units from any of the following areas:
    a. Visual Arts
    b. Music
    c. Dance
    d. Theatre
    e. Media Arts

6. Health Education – 0.5 units

7. Physical Education – 1.5 units including:
    a. Participation Skills – 0.5 units
    b. Fitness for Life – 0.5 units
    c. Individualized Lifetime Activities (0.5 units)
    d. Team sport/athletic participation (may earn 0.5 units per sport up to a maximum of 1.0 units with school approval to replace Participation Skills and Individualized Lifetime Activities)

8. Career and Technical Education – 1.0 units from among the following areas:
    a. Agriculture, Food and Natural Resources
    b. Architecture and Construction
    c. Arts, Audio/Visual Technology and Communications
    d. Business, Finance and Marketing
    e. Computer Science and Information Technology
    f. Education and Training
    g. Engineering and Technology
    h. Health Science
    i. Hospitality and Tourism

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j. Human Services
k. Law, Public Safety, Corrections and Security
l. Manufacturing
m. Transportation, Distribution, and Logistics

9. Digital Studies – 0.5 units
10. Library Media skills (integrated into the subject areas)
11. General Financial Literacy – 0.5 units

Utah Admin. Rules R277-700-6(3), (4) (August 12, 2021)

The District may modify a student's graduation requirements to meet the unique educational needs of the student if the student has a disability and the modifications to graduation requirements are made through the student's IEP.

Utah Admin. Rules R277-700-6(24) (August 12, 2021)

College and Career Readiness Mathematics Competency—

A student who is pursuing a college degree after graduation must take a full year mathematics course during the student's senior year unless the student has, before the beginning of the senior year, met one of the following requirements:

1. A score of 3 or higher on an Advanced Placement (AP) calculus AB or BC exam;
2. A score of 3 or higher on an Advanced Placement (AP) statistics exam;
3. A score of 5 or higher on an International Baccalaureate (IB) higher level math exam;
4. A score of 50 or higher on a College Level Exam Program (CLEP) pre-calculus or calculus exam;
5. A score of 26 or higher on the mathematics portion of the American College Test (ACT) exam;
6. A score of 640 or higher on the mathematics portion of the Scholastic Aptitude Test (SAT) exam; or
7. A "C" grade or higher in a concurrent enrollment mathematics course that satisfies a state system of higher education quantitative literacy requirement.

A non-college degree seeking student shall complete appropriate math competencies for the student's career goals as described in the student's Plan for College and Career Readiness.

The college or career readiness mathematics competency requirement may be modified if the student has a disability and the modification to the competency requirement is made through the student's IEP.

Utah Admin. Rules R277-700-9 (August 12, 2021)

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Elective credits—

In addition to the 6 credits beyond the 18 units of required core curriculum credit, students must earn ____ additional credits to qualify for graduation.

[Note: Because students must earn at least 24 credits to graduate, including the 18 core curriculum credits, the students must earn at least 6 elective credits. However, the Board of Education may require more than 24 credits to graduate, thereby increasing the number of elective credits. This section will need to be tailored depending on whether the Board requires more than 24 credits.]

Utah Admin. Rules R277-700-6(2), (3) (August 12, 2021)

Assessment of student mastery of core standards—

The Board of Education is responsible to provide students with access to courses in the basic academic subjects of the core standards for Utah public schools established by the State Board of Education, and for students' mastery of those standards. The Board of Education shall use evidence-based best practices, technology, and other instructional media to increase the relevance and quality of instruction. Student mastery of the core standards shall be evaluated through District participation in statewide assessments as directed by the State Board of Education. Students who have not achieved mastery of the core standards will be provided intervention as provided for by State statute and State Board of Education regulations. The Board of Education is responsible to ensure statewide assessments are administered in compliance with the requirements of Utah Code Title 53E, Chapter 9 ("Student Privacy and Data Protection").

Utah Admin. Rules R277-700 (August 12, 2021)
Utah Code § 53E-4-302 (2020)
Utah Code § 53G-9-803 (2019)

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Curriculum:
Elective Instruction—Pass/Fail Courses

Pass/Fail Courses—

The District may allow a student who wishes to take courses in excess of state and local requirements to take such courses on a pass/fail basis. The student shall declare the intent to take the course pass/fail on the first day the course meets. Students who have a grade average of ___ or above shall be awarded credit, but pass/fail courses shall be excluded in computing the grade point average.

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Curriculum:
Elective Instruction—Driver Education

Driver Education—

The District hereby establishes driver education in the District as set forth in this policy, to help develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles. District driver education shall follow the requirements set out in statute and in Driver Education for Utah High Schools — Organization, Administration and Standards.

Utah Code § 53G-10-502(2) (2021)
Utah Admin. Rules R277-746-2 (December 9, 2021)
2021 Driver Education Law & Policy

Instructor Endorsement—

Educators who act as driver education instructors must have and maintain a driver education endorsement from the State Board of Education.

Utah Admin. Rules R277-311-3 (January 8, 2021)
2021 Driver Education Law & Policy 13-14

Age for Written Testing—

A District school offering driver education shall provide each enrolled student the opportunity to take the written test when the student is 15 years and 9 months of age. The school may permit an enrolled student to take the written test when the student is 15 years of age.

Utah Code § 53G-10-502(1) (2021)
2021 Driver Education Law & Policy 16

Components of Driver Education—

Driver education shall consist of both a classroom portion of instruction and a behind-the-wheel and observation portion of instruction.

Utah Code § 53G-10-501 (2019)

Classroom Training—

The classroom training portion of driver education will consist of instruction, in accordance with the rules established by the State Board of Education, which will take place [in a regular class during school hours] [in class instruction held at the school outside of regular school hours], [through home study] [through community education classes].

[One or more options may be selected. All of these options are permissible under Utah Code § 53G-10-508 (2021).]

Utah Code § 53G-10-508 (2021)
Utah Admin. Rules R277-746-2 (December 9, 2021)
2021 Driver Education Law & Policy 17-22

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Behind-the-Wheel Training—

[Option A] The behind-the-wheel and observation portion of driver education will be provided by the District in accordance with the rules established by the State Board of Education.

Utah Code § 53G-10-502 (2021)

[Option B] The behind-the-wheel and observation portion of driver education will be provided by a private party or agency with whom the District has contracted for such services, in accordance with State Board of Education rules. The private party or agency must be properly licensed as a commercial driver training school by the Driver License Division of the Department of Motor Vehicles pursuant to Utah Code § 53-3-504.

Utah Code § 53G-10-503(3) (2021)
Utah Code § 53-3-504 (2006)

[Option C] The District will not provide the behind-the-wheel and observation portion of driver education. Each driver education student will be responsible to obtain the appropriate behind-the-wheel instruction from a private provider selected by the student and properly licensed as a commercial driver training school by the Driver License Division of the Department of Motor Vehicles pursuant to Utah Code § 53-3-504.

Utah Code § 53G-10-508(1)(e) (2021)
Utah Code § 53-3-504 (2006)

Funding—

Driver education in the District shall be solely funded through student fees and funds from the Automobile Driver Education Tax Account. However, for these purposes, the cost of driver education does not include the full-time equivalent cost of a teacher for each driver education class taught during regular school hours, or the cost of classroom space and maintenance.

Utah Code § 53G-10-503(1)(a) (2021)

The Board of Education will set the student fee required for participation in driver education in the District, which fee shall be determined by taking into consideration the costs associated with providing driver education which are not covered by reimbursements from the Automobile Driver Education Tax Account. Student fees shall also take into account costs which are not covered because of students obtaining a waiver of driver education fees.

Utah Code § 53G-10-503(7) (2021)
2021 Driver Education Law & Policy 9

The District shall submit the Student Reporting Form required by the State Board of Education for reimbursement of driver education costs from the Automobile Driver Education Tax Account to the State Board of Education driver education specialist. This form shall be submitted each year on January 15 and July 15.

Utah Code § 53G-10-505 (2019)

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2021 Driver Education Law & Policy 9

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Curriculum
Early Learning Plan

Establishment of Annual Early Learning Plan—

The District shall annually establish an Early Learning Plan which includes an Early Literacy Plan, an Early Mathematics Plan, and one additional goal (related to literacy or mathematics) that: (a) is specific to the District, (b) is measurable, (c) based on data, addresses current performance gaps in student literacy or mathematics proficiency, and (d) includes specific strategies for improving outcomes. In establishing the plan and its components, the District may make use of model plans provided by the State Board of Education but may also develop its own plan and component plans. This plan and the component plans must be approved in a public meeting of the Board of Education. After approval, and by September 1 of each year, the Early Learning Plan shall be submitted to the State Superintendent for approval, together with documentation confirming that the Board of Education reviewed and approved the plan in an open meeting and that the plan was uploaded to the appropriate system as required by the State Superintendent.

Utah Code § 53G-7-218(1) to (3) (2022)
Utah Admin. Rules R277-406-4(1), (3) (July 22, 2022)

Early Literacy Plan—

The District's Early Literacy Plan shall incorporate the following components:

1. Core instruction in:
   a. phonological awareness;
   b. phonics;
   c. fluency;
   d. comprehension;
   e. vocabulary;
   f. oral language; and
   g. writing;
2. Intervention strategies that are aligned to student needs;
3. Assessments that support adjustments to core and intervention instruction;
4. A District growth goal that:
   a. is based upon student learning gains as measured by benchmark assessments administered under Policy ECCA; and
   b. includes a target of at least 60% of all students in grades 1 through 3 meeting the growth goal;

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5. Subject to other direction from the State Superintendent, at least one District-specific goal that:
   a. is measurable;
   b. addresses current performance gaps in student literacy based on data; and
   c. includes specific strategies for improving outcomes.

   Utah Code § 53F-2-503(4) (2022)
   Utah Admin. Rules R277-406-5(2) (July 22, 2022)

Early Mathematics Plan—

The District's Early Mathematics Plan shall include the components of early mathematics, including the following categories:

1. Conceptual understanding;
2. Procedural fluency;
3. Strategic and adaptive mathematic thinking; and
4. Productive disposition.

   Utah Code § 53E-3-521 (2020)
   Utah Admin. Rules R277-406-2(3) (July 22, 2022)

The District's Early Mathematics Plan shall also incorporate the following components:

1. A District growth goal that:
   a. is based upon student learning gains as measured by benchmark assessments administered under Policy ECCB; and
   b. includes a target of at least 60% of all students in grades 1 through 3 meeting the growth goal;
2. Subject to other direction from the State Superintendent, one District-specific goal that:
   a. is measurable;
   b. addresses current performance gaps in student mathematics proficiency based on data; and
   c. includes specific strategies for improving outcomes.

   Utah Code § 53G-7-218(1)(b) (2022)
   Utah Admin. Rules R277-406-5(2) (July 22, 2022)

Goal Achievement Reporting—

The District shall annually provide parents with a copy of the student's comprehensive statewide assessment results, which includes measurements of reading and mathematics performance.

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Utah Code § 53E-4-310(4) (2019)

Reporting to the Board—

The Superintendent shall annually report to the Board on the assessment data and other information submitted to the State Board of Education relating to K-3 reading and mathematics performance in the District at the District level and at the school level. The Board may use this information to work with the Superintendent to review and revise plans to enable the District to meet Early Learning Plan goals.

Utah Code § 53E-4-310(2) (2019)

Report Submitted to the State Board of Education—

The District shall annually submit a report to the State Board of Education accounting for the expenditure of program money in accordance with its Early Literacy Plan for reading proficiency improvement.

The District shall use program money in a manner that is consistent with Utah Code § 53F-2-503.

The District shall annually by June 30 report progress toward the goals outlined in its Early Learning Plan to the State Superintendent.

Utah Admin. Rules R277-406-5(1) (July 22, 2022)

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Curriculum
Reading Assessment for K-3

Reading Assessment—

Subject to legislative appropriations, District elementary schools shall annually administer the State Board of Education approved benchmark reading assessments in grade 1, grade 2, and grade 3 between the first day of school and September 30 (first benchmark), between December 1 and January 31 (second benchmark), and between April 15 and June 15 (third benchmark).

Following each benchmark assessment, the school shall notify parents or guardians of their student's results by October 30, February 28, and June 30, respectively. The District shall also report the results to the State Superintendent by the same dates, together with the additional information required by Rule R277-406-3(5).

If a benchmark assessment or a supplemental reading assessment indicates that a student is scoring below benchmark, the school shall take the notification and reading remediation interventions outlined below.

Utah Admin. Rules R277-406-3(1) to (4) (July 22, 2022)

Scoring Below Benchmark—

A student scores below or well below benchmark when the student performs below or well below the benchmark score on the benchmark reading assessment and requires additional instruction beyond that provided to typically developing peers to close the gap between the student's current level of achievement and that expected of all students in that grade. For any first, second, or third grade student who through assessment is determined to be scoring below or well below benchmark, the school shall take the following actions:

1. Notify the student's parent that the student is reading below grade level;
2. Administer diagnostic assessments to the student;
3. Using data from the diagnostic assessment, provide specific, focused, and individualized intervention or tutoring to develop the reading skill;
4. Administer formative assessments and progress monitoring at recommended levels for the benchmark assessment to measure the success of the focused intervention;
5. Inform the parent of activities that he or she may engage in with the student to assist the student in improving reading proficiency;
6. Provide information to the parent of the student regarding reading interventions available to the student outside regular instructional time that

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may include tutoring, before and after school programs, or summer school; and

7. Provide instructional materials that are evidence-informed for core instruction and evidence-based for intervention and supplemental instruction.

In meeting these standards, “evidence-based” means that a strategy demonstrates a statistically significant effect, of at least a 0.40 effect size, on improving student outcomes based on either strong evidence from at least one well-designed and well-implemented experimental study (as further defined by the State Board of Education) or moderate evidence from at least one well-designed and well-implemented quasi-experimental study (as further defined by the State Board of Education). “Evidence-informed” means that a strategy is developed using high-quality research outside of a controlled setting in the given field (as further defined by the State Board of Education) and includes strategies and activities with a strong scientific basis for use (as further defined by the State Board of Education).

Utah Code § 53E-4-307(4) (2022)
Utah Code § 53G-11-303(1) (2022)
Utah Admin. Rules R277-406-2(11) (July 22, 2022)
Utah Admin. Rules R277-406-3(3)(a) (July 22, 2022)

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Curriculum
Mathematics Assessment for K-3

Mathematics Assessment—

Subject to legislative appropriations, District elementary schools shall annually administer the State Board of Education approved benchmark mathematics assessments in grade 1, grade 2, and grade 3 between the first day of school and September 30 (first benchmark), between December 1 and January 31 (second benchmark), and between April 15 and June 15 (third benchmark). The District schools may also administer the early mathematics benchmark assessments in kindergarten.

Following each benchmark assessment, the school shall notify parents or guardians of their student's results by October 30, February 28, and June 30, respectively. The District shall also report the results to the State Superintendent by the same dates, together with the additional information required by Rule R277-406-3(5).

Utah Code § 53E-4-307.5 (2020)
Utah Admin. Rules R277-406-3(1) to (4) (July 22, 2022)

Scoring Below Benchmark—

A student scores below or well below benchmark when the student performs below or well below the benchmark score on the benchmark mathematics assessment and requires additional instruction beyond that provided to typically developing peers to close the gap between the student's current level of achievement and that expected of all students in that grade.

Utah Admin. Rules R277-406-2(11) (July 22, 2022)

If a benchmark assessment indicates that a student is scoring below or well below benchmark, the school shall take the following actions:

1. Notify the student's parent that the student's mathematics performance is below grade level;
2. Administer diagnostic assessments to the student;
3. Using data from the diagnostic assessment, provide specific, focused, and individualized intervention or tutoring to develop the mathematics skill;
4. Administer formative assessments and progress monitoring at recommended levels for the benchmark assessment to measure the success of the focused intervention;
5. Inform the parent of activities that he or she may engage in with the student to assist the student in improving mathematics proficiency;

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6. Provide information to the parent of the student regarding mathematics interventions available to the student outside regular instructional time that may include tutoring, before and after school programs, or summer school; and
7. Provide instructional materials that are evidence-informed for core instruction and evidence-based for intervention and supplemental instruction.

In meeting these standards, "evidence-based" means that a strategy demonstrates a statistically significant effect, of at least a 0.40 effect size, on improving student outcomes based on either strong evidence from at least one well-designed and well-implemented experimental study (as further defined by the State Board of Education) or moderate evidence from at least one well-designed and well-implemented quasi-experimental study (as further defined by the State Board of Education). "Evidence-informed" means that a strategy is developed using high-quality research outside of a controlled setting in the given field (as further defined by the State Board of Education) and includes strategies and activities with a strong scientific basis for use (as further defined by the State Board of Education).

Utah Code § 53E-4-307(4) (2022)
Utah Code § 53G-11-303(1) (2022)
Utah Admin. Rules R277-406-2(11) (July 22, 2022)
Utah Admin. Rules R277-406-3(3)(a), (b) (July 22, 2022)

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Curriculum:
American Sign Language

American Sign Language shall be accorded equal status with other linguistic systems in the District. The District shall comply with all State Board of Education policies and procedures regarding the teaching of American Sign Language in the District.

A student may count credit received for completion of a course in American Sign Language toward the satisfaction of a foreign language graduation requirement.

Utah Code § 53G-10-303 (2020)

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Curriculum:
College Course Work

Definitions—

"Concurrent enrollment" means enrollment in a course that allows a student to earn credit both towards high school graduation and at an institution of higher education.

"Eligible student" means a student who (a) is enrolled in and counted towards average daily membership in a school within the District, (b) has on file a plan for college and career readiness, and (c) is in grade 9, 10, 11 or 12.

"Eligible instructor" means an instructor who is either employed as faculty by an institution of higher education or who is employed by the District and meets the requirements of Utah Code § 53E-10-302(6).

Utah Code § 53E-10-301(2), (4), (5)(a)(i) (2021)
Utah Code § 53E-10-302(6) (2020)

"Designated institution of higher education" means an institution of higher education designated by the Utah Board of Higher Education to provide a course or program of study within a specific geographic region.

Utah Code § 53E-10-303(1) (2020)

Establishing Concurrent Enrollment Courses—

The District may establish concurrent enrollment courses by entering into a contract with an institution of higher education to provide such courses. The District and the institution of higher education must (a) ensure that the course instructor is an eligible instructor, (b) establish qualifying academic criteria for enrollment in the course, (c) ensure that students enrolling are eligible students, and (d) coordinate advising of the eligible students.

In establishing student eligibility for a concurrent enrollment course, the requirements shall be sufficiently selective to predict a successful experience and satisfy the restrictions set out in Utah State Board of Education rules. The District is primarily responsible for identifying students who are eligible to participate in a concurrent enrollment course.

Utah Admin. Rules R277-701-7(2), (3) (July 22, 2022)

In establishing a particular concurrent enrollment course, the District must first offer to contract with the designated institution of higher education for the course. If the designated institution of higher education either chooses not to offer the course or does not respond to the District's proposal within 30 days, the District may then contract with another institution of higher education to provide the course.

Utah Code § 53E-10-303 (2020)

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The District and the institution of higher education must provide the State Superintendent and the Utah System of Higher Education with proposed new course offerings, including syllabi and curriculum materials, by November 15 of the year preceding the school year in which the courses would be offered.

Utah Admin. Rules R277-701-8(3) (July 22, 2022)

The student is responsible for expenses and arrangements associated with college enrollment as provided for in Utah Code § 53E-11-305. The student may apply for a fee waiver if appropriate under the District fee waiver policy for class-related costs including consumables, lab fees, copies, material costs, application fees and textbooks. Unless otherwise provided by agreement with the institution of higher education, the District is responsible for fee waivers.

Utah Code § 53E-11-305 (2018)
Utah Admin. Rules R277-701-11(3), (4) (July 22, 2022)

Participation Form and Parental Permission—

Before allowing an eligible student to participate in a concurrent enrollment course, the District and the institution of higher education must ensure that the student has, for the current school year, (a) submitted a completed participation form which includes the signature of the student's parent indicating permission to participate and (b) signed an acknowledgment of program participation requirements. (The participation form shall be that which is created by the Utah Board of Higher Education.)

Utah Code § 53E-10-304 (2020)

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Curriculum:
Religious Neutrality

Constitutional Freedom in Public Schools—

Any school in the District, in accordance with State Board of Education policy, may undertake any instructional activity, performance or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history or any other element of the curriculum, including the comparative study of religions, provided it is designed to achieve secular educational objectives included within the context of a course or activity and conducted in accordance with applicable rules or policies of this District.

Utah Code § 53G-10-202(1) (2019)

No aspect of cultural heritage, political theory, moral theory, or societal value shall be either included within or excluded from school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

Utah Code § 53G-10-202(2) (2019)

Religious Neutrality—

School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint. District schools may not sponsor prayer or religious devotionals.

Utah Code § 53G-10-202(3), (4) (2019)

Participation Waivers—

If a parent of a student, or if a secondary student, determines that the student's participation in a portion of the curriculum or in an activity would require the student to affirm or deny a religious belief or right of conscience or engage or refrain from engaging in a practice forbidden or required in the exercise or a religious right or right of conscience, the parent or student may request either (1) a waiver of the requirement to participate or (2) a reasonable alternative that requires reasonably equivalent performance by the student of the secular objectives of the curriculum or activity in question.

If a student makes a request under the above paragraph for a waiver or a reasonable alternative, the school administration shall promptly notify the student's parent that such a request has been made, including the substantive nature of the portion of the curriculum or activity for which the student requests a waiver or alternative.

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The Principal, in consultation with the student's teacher, and after consulting with the student and the student's parents, shall notify the student and the student's parent of the Principal's decision. The school may elect one of the following options:

1. To waive the participation requirement;
2. To provide a reasonable alternative to the requirement; or,
3. To notify the requesting party that the participation is required.

If the school determines that participation is required, the school shall ensure that any limitation on student expression, practice or conduct shall be by the least restrictive means necessary to satisfy the school's interest in fulfilling curriculum objectives, or that the limitation satisfies another specifically identified compelling governmental interest.

Utah Code § 53G-10-205 (2019)
Utah Code § 53G-10-203(3) (2018)

Expressions of Belief

Expression of personal beliefs by a student participating in school-directed curricula or activities may not be prohibited or penalized unless the expression unreasonably interferes with order or discipline, threatens the well-being of persons or property, or violates concepts of civility or propriety appropriate to the school setting.

Utah Code § 53G-10-203(1) (2018)

Expressions of Belief During Discretionary Time

Free expression of voluntary religious practice or freedom of speech by students during discretionary time, (non-instructional time during which a student is free to pursue personal interests), shall not be denied unless:

1. The conduct unreasonably interferes with the ability of school officials to maintain order and discipline;
2. Unreasonably endangers persons or property; or,
3. Violates concepts of civility or propriety appropriate to the school setting.

Any limitation under this section on student, expression, practice, or conduct shall be by the least restrictive means necessary to satisfy the school's interests in fulfilling curriculum objectives or to satisfy another specifically identified compelling governmental interest.

Utah Code § 53G-10-203 (2018)

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Curriculum:
American Heritage

American heritage in the curriculum—

Classes, including American History, in which the subject matter is relevant, shall include thorough study of the:

1. Declaration of Independence;
2. United States Constitution;
3. National Motto;
4. Pledge of Allegiance;
5. National Anthem;
6. Mayflower Compact;
7. writings, speeches, documents, and proclamations of the Founders and the Presidents of the United States;
8. organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist and post Federalist eras;
9. United States Supreme Court decisions; and,
10. Acts of the United States Congress, including the published text of the Congressional Record; and,
11. United States treaties.

Instruction in American history and government shall include study of forms of government (such as a republic, a pure democracy, a monarchy, and an oligarchy), political philosophies (such as socialism, individualism, and free market capitalism), the United States' form of government (a compound constitutional republic), and the flag of the United States and the Pledge of Allegiance to the Flag.

Utah Code § 53G-10-302(3) (2019)
Utah Admin. Rules R277-475-4(2) (November 8, 2019)

Civics Graduation Requirement—

Each student must pass a basic civics test as a condition for graduation from high school unless the student qualifies for an alternate assessment. A "basic civics test" means a test that includes 50 of the questions on the civics test form used by the United States Citizenship and Immigration Services. A passing score is at least 35 out of 50 questions answered correctly. The student may take the test as many times as needed to pass the test.

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A student qualifies to take an alternate assessment if the student is within six months of graduation or if the student has a disability and the alternate assessment is consistent with the student's IEP.

The alternate assessment shall be given in the same manner as the examination given to an unnaturalized citizen and according to 8 CFR § 312.2. (However, the District may modify the manner of administration for a student with a disability in accordance with the student's IEP.)

Utah Code § 53E-4-205 (2021)
Utah Admin. Rules R277-700-8 (August 12, 2021)
8 CFR § 312.2

Posting American heritage documents—

Schools may post copies of American historical documents or historically important excerpts from these documents in school classrooms and common areas as appropriate. If a school decides to post an excerpt from a particular document, the portions omitted should not be deleted for the purpose of censoring religious or cultural content.

Utah Code § 53G-10-302(4), (5) (2019)

Display of the National Motto—

The national motto of the United States, which is declared by federal statute (36 U.S.C. § 302) to be "In God we Trust," shall be displayed in one or more prominent places within each school building in the District, as provided for in Utah Code § 53G-10-302.

Utah Code § 53G-10-302(6) (2019)

Pledge of Allegiance—

The pledge of allegiance to the flag shall be recited once at the beginning of each day in each public school classroom in the state and, led by a student in the classroom, as assigned by the classroom teacher on a rotating basis.

Each student shall be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge.

A student shall be excused from reciting the pledge upon written request from the student's parent provided at least once per year.

At least once a year, students shall be instructed that participation in the pledge of allegiance is voluntary and not compulsory; and not only is it acceptable for someone to choose not to participate in the pledge of allegiance for religious or other reasons, but students should show respect for any student who chooses not to participate.

A public school teacher shall strive to maintain an atmosphere among students in the classroom that is consistent with the principles described above.

Utah Code § 53G-10-304 (2020)

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Utah Admin. Rules R277-475-5 (October 8, 2019)

Parental Notice and Information—

The District shall make information available on its website about the flag, respect for the flag and civility toward all during patriotic activities. This information shall include notice about lawful exemptions to the requirement for students to participate in the Pledge of Allegiance, the right of students not to participate in the Pledge of Allegiance, that participation in the pledge of allegiance is voluntary and not compulsory, and not only is it acceptable for someone to choose not to participate in the pledge of allegiance for religious or other reasons, but students should show respect for any student who chooses not to participate. It shall also notify parents that a student may be excused from reciting the Pledge of Allegiance upon a written annual request of the student's parent.

Utah Admin. Rules R277-475-4(1)(c) (October 8, 2019)
Utah Admin. Rules R277-475-5 (October 8, 2019)

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Curriculum:
Sex Education

Definitions—

The following definitions apply in this policy:

1. "Curriculum materials review committee" ("committee") means a committee formed at the District or school level, as determined by the Board of Education, that includes parents, health professionals, school health educators, and administrators, with at least as many parents as school employees. The membership of the committee shall be appointed and reviewed annually by August 1 of each year by the Board, shall meet on a regular basis as determined by the membership, shall select its own officers and shall be subject to the Utah Open and Public Meetings Act.
2. "Sex education instruction or instructional programs" means any course material, unit, class, lesson, activity or presentation that, as the focus of the discussion, provides instruction or information to students about sexual abstinence, human sexuality, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, HIV/AIDS or other sexually transmitted diseases, or refusal skills. While these topics are most likely discussed in such courses as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this rule applies to any course or class in which these topics are the focus of discussion.
3. "Refusal skills" means instruction (1) in a student's ability to clearly and expressly refuse sexual advances (by a minor or by an adult), (2) in a student's obligation to stop the student's sexual advances if refused by another individual, (3) informing a student of the student's right to report and seek counseling for unwanted sexual advances, (4) in sexual harassment, and (5) informing a student that a student may not consent to criminally prohibited activities or activities for which the student is legally prohibited from giving consent, including the electronic transmission of sexually explicit images by an individual of the individual or another.
4. "Maturation education" means instruction and materials used to provide fifth or sixth grade students with age appropriate, medically accurate information regarding the physical and emotional changes associated with puberty, to assist in protecting students from abuse and to promote hygiene and good health practices.
5. "Medically accurate" means verified or supported by a body of research conducted in compliance with scientific methods and published in journals that have received peer review and recognized as accurate and objective by

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professional organizations and agencies with expertise in the relevant field, such as the American Medical Association.

Utah Admin. Rules R277-474-2 (October 8, 2019)
Utah Code § 53G-10-402(1) (2020)
Utah Code § 53G-10-403 (2019)

Sex Education Instruction Requirement—

Subject to parental permission, a student shall receive sex education instruction on at least two occasions during the period that begins with the beginning of grade 8 and ends with the end of grade 12.

Utah Code § 53G-10-402(3)(a) (2020)

Parental Notification and Permission Form Required for Participation—

Students may not participate in any sex education instruction or instructional program unless, prior to the student's participation, the school has on file for that student a completed parental notification form relating to that specific instruction or program which indicates that the student's parent authorizes the student to participate. The form shall (1) explain a parent's right to review proposed curriculum materials in a timely manner, (2) request the parent's permission to instruct the parent's student in identified course material related to sex education or maturation education, (3) allow the parent to exempt the parent's student from attendance from a class period where the identified sex education or maturation instruction is presented and discussed, (4) be specific enough to give parents fair notice of topics to be covered, and (5) include a brief explanation of the topics and materials to be presented and provide a time, place and contact person for review of the identified curricular materials. Completed permission forms shall be maintained in the student's educational records for a reasonable period of time.

Utah Code § 53G-10-402(4)(a) (2020)
Utah Code § 53G-10-403 (2019)
Utah Admin. Rules R277-474-2(8) (October 8, 2019)
Utah Admin. Rules R277-474-5(9) (October 8, 2019)

If a student is exempted from participation in sex education or maturation education, the District shall either waive the participation requirement or provide a reasonable alternative to the requirement.

Utah Admin. Rules R277-474-5(11) (October 8, 2019)

Health and Sex Education Guidelines—

All health and sex education shall stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods of preventing sexually transmitted diseases. The curriculum and education shall also stress personal skills that encourage individual choice of abstinence and fidelity in marriage.

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At no time may instruction be provided, including responses to spontaneous questions raised by students, regarding any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult.

Nothing in this policy precludes an educator from responding to a spontaneous question provided that the response is consistent with this policy.

Utah Code § 53G-10-402(2)(b), (e)(i) (2020)

The following may not be taught in District schools:

1. the intricacies of intercourse, sexual stimulation, or erotic behavior;
2. the advocacy of premarital or extramarital sexual activity; or
3. the advocacy or encouragement of the use of contraceptive methods or devices.

Utah Admin. Rules R277-474-3(1) (October 8, 2019)
Utah Code § 53G-10-402(2)(b)(iii) (2020)

The District may, under curriculum adopted in accordance with this policy, provide instruction which includes information about contraceptive methods or devices and which stresses effectiveness, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.

Utah Code § 53G-10-402(2)(b)(iv) (2020)
Utah Admin. Rules R277-474-3(2) (October 8, 2019)

Sexual Abuse Prevention and Awareness—

Schools in the District may provide instruction to elementary school students on child sexual abuse and human trafficking prevention and awareness using the instructional materials approved by the State Board of Education for that purpose. However, before an individual student may receive this instruction, the student's parent must be notified in advance of the instruction and the content of the instruction and of the parent's right to have the student excused from the instruction, given an opportunity to review the instruction materials, and be allowed to be present when the instruction is delivered. A parental permission form (as outlined above) must be received for each student before that student receives the instruction. Upon the written request of a parent, a student shall be excused from the instruction.

Utah Code § 53G-9-207(4), (5) (2022)

Instructional Staff Training and In-service—

District staff who have responsibility for some aspect of sex education instruction in the District may include administrators, teachers, counselors, teacher's assistants, or coaches, but are not necessarily limited to those categories.

In their first year of service or assignment, all newly hired or newly assigned District staff who have responsibility for any aspect of sex education instruction in the District will attend a State-sponsored in-service outlining the sex education

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curriculum and the criteria for sex education instruction in any courses offered in the public education system.

All District staff who have any responsibility for any aspect of sex education instruction in the District will attend District training outlining the sex education curriculum and the criteria for sex education instruction in any courses offered in the public education system at least once every three (3) years.

Utah Admin. Rules R277-474-3(5) (October 8, 2019)
Utah Admin. Rules R277-474-5(1), (2) (October 8, 2019)

Sex Education Curriculum Materials Review Committee—

The Board of Education shall appoint a District Sex Education Curriculum Materials Review Committee. This committee shall be composed of parents, health professionals, school health educators, and administrators, with at least as many parent members as school employee members. The Board shall appoint and review the membership of the committee by August 1 of each year, making new appointments as necessary or appropriate.

The District Sex Education Curriculum Materials Review Committee shall meet on a regular basis as determined by the members of the committee, shall select officers, shall establish procedures for operation, shall designate a chair, and shall comply with the Utah Open and Public Meetings Act.

Utah Admin. Rules R277-474-2(1) (October 8, 2019)
Utah Admin. Rules R277-474-5(3), (4), (5) (October 8, 2019)

Review of Guest Presentations Relating to Sex Education—

Before any guest speaker or guest presenter may present any information in any District course relating to sex education instruction, the speaker and presenter and the materials to be presented must have been approved by the District Sex Education Curriculum Materials Review Committee.

The committee shall not authorize the use of any sex education instructional program which has not been previously approved for use in the District as set forth below regarding curriculum approval.

Utah Admin. Rules R277-474-5(5)(c), (6) (October 8, 2019)

Adoption of District Sex Education Instructional Materials—

[If the board of education adopts policy ECH without specifying the adoption of Option A or Option B, Option B will apply as the board's adopted policy.]

[Option A] The Board of Education hereby adopts for use in the schools of the District the sex education instructional materials recommended by the State Board of Education. All sex education instruction in the District shall make use of those instructional materials.

Utah Code § 53G-10-402(2)(g) (2020)
Utah Admin. Rules R277-474-4(4) (October 8, 2019)

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[Option B] The Board of Education shall determine what sex education instructional materials will be used in the District. The Board shall request that the District Sex Education Curriculum Materials Review Committee provide recommendations regarding the sex education instructional materials to be used in the District. Such recommended materials must be medically accurate and must be consistent with the Health and Sex Education Guidelines set forth above. Following recommendations from the Review Committee, the Board shall consider whether to adopt recommended materials at a public meeting which includes a public hearing on the issue. The proposed materials shall have been made available for review by residents of the District a reasonable time in advance of the meeting. If a majority of the Board members present vote to adopt the recommended materials, then the materials may be used in the District. Following adoption of the materials, a resident of the District may appeal regarding the content of the materials by submitting a written appeal to the Board which specifically explains the resident's objections or concerns regarding the materials. The Board shall refer the appeal to the District Sex Education Curriculum Materials Review Committee for recommendations regarding the response to the appeal. The Board shall review the Committee's recommendations and then determine what action, if any, is appropriate.

Following adoption of sex education instruction materials which have not previously been approved by the State Instructional Materials Commission, the Board shall report such adoption to the State Board of Education. That report shall provide a copy of the materials, documentation of the adoption of the materials at the Board meeting, documentation that the materials are medically accurate, documentation of the committee recommendations, and the Board's rationale for adopting the materials.

The Board of Education shall annually review the decision to adopt the sex education instructional materials used in the District and shall consider whether to continue use of those materials. The Board's review shall include data for each county that the District is located in regarding teen pregnancy, child sexual abuse, and sexually transmitted diseases and infections, and also shall include data on the number of pornography complaints or other instances reported within the District.

Utah Code § 53G-10-402(2)(g)(ii) (h), (8) (2020)
Utah Admin. Rules R277-474-6 (October 8, 2019)

Monitoring of Sex Education Instruction—

Each school in the District shall log and track all parental or community complaints and comments resulting from student participation in sex education instruction in the school, including disposition of any complaints made. This information shall be provided to District administration on a monthly basis during the school year.

District administration shall compile and maintain records of parental or community complaints and comments resulting from student participation in sex

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education instruction in the District, including disposition of complaints, and shall provide that information to the State Superintendent upon request.

Utah Admin. Rules R277-474-5(10) (October 8, 2019)
Utah Admin. Rules R277-474-7(3) (October 8, 2019)

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Curriculum:
Cardiopulmonary Resuscitation

Cardiopulmonary Resuscitation Training—

"Cardiopulmonary resuscitation," or "CPR," means artificial ventilation or external chest compression applied to a person who is unresponsive and not breathing.

Utah Code § 53G-10-408(1)(b) (2022)

"Psychomotor skills" means sequences of physical actions that are practiced in a manner that supports cognitive learning.

Utah Code § 53G-10-408(1)(e) (2022)

Beginning with the 2022-23 school year, the District shall provide CPR training to high school students. The instruction shall be consistent with the Utah State Board of Education Health Education Core Standards, shall follow current Emergency Cardiovascular Care guidelines for CPR, shall be provided using a certified CPR instructor, and shall use cognitive and psychomotor training unless the student is in an online-only instructional experience. As closely as possible, the District shall maintain a student to instructor ratio of no greater than 15:1 and a mannequin to student ratio of no greater than 1:6.

Utah Code § 53G-10-408(5) (2022)
Utah Admin. Rules R277-465-3(1), (2), (4) (July 22, 2022)

Each student must complete CPR training at least once while the student is in grades 9 through 12 unless one of the following exceptions applies:

1. The student's parent or guardian requests that the student be exempted from the training;
2. The student provides the District with documentation showing that the student has previously received CPR training or has a current CPR certification; or
3. The student has an Individualized Education Program and the CPR training is inconsistent with that program.

Utah Code § 53G-10-408(4)(c), (7) (2022)

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Curriculum:
Ethnic Studies

Adoption of Ethnic Studies Curriculum—

"Ethnic studies" means the interdisciplinary social and historical study of how different populations have experienced and participated in building the United States of America, including the study of the culture, history, and contributions of Utahns of diverse ethnicities.

Utah Code § 53E-4-204.1(1)(b) (2022)

By August 1, 2024, the District shall select and adopt curriculum and instructional materials for teaching ethnic studies to students in kindergarten through grade 12 that are integrated with regular schoolwork and that align with the core ethnic studies curriculum standards established by the State Board of Education.

Utah Code § 53E-4-204.1(5)(a) (2022)

In addition to meeting State Board of Education requirements, the ethnic studies curriculum and instructional materials adopted by the District shall:

1. focus on shared identity and honoring unique cultural differences, including that each individual student has unique characteristics, the common elements that unite Utahns, and respect for distinct socio-cultural identities; and
2. include themes including cultural histories within the context of United States history and global history

Utah Code § 53E-4-204.1(5)(b) (2022)

The District shall modify or revise the ethnic studies instructional materials and curriculum as needed to align with core curriculum standards. In meeting ethnic studies requirements, the District may offer a course on ethnic studies. The District shall report to the State Board of Education on its compliance with the ethnic studies requirements.

Utah Code § 53E-4-204.1(5)(c), (d) (2022)

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Special Programs:
Alternative Language Program

Definitions—

"Alternative language services program" or "ALS program" means an evidence-based language instruction educational program used to achieve English proficiency and academic progress of identified students.

"Alternative language services" or "ALS" means language services designed to meet the education needs of all students learning English so that students are able to participate effectively in the regular instruction program.

"Evidence-based language instruction education program" means evidence-based methods, recommended by the State Superintendent, that meet the "Non-regulatory Guidance: Using Evidence to Strengthen Education Investments" developed by the U.S. Department of Education.

"Language instruction educational program" means an instructional course:

1. in which the student learning English is placed for the purpose of developing and attaining English proficiency, while meeting challenging state academic standards;
2. that may make instructional use of both English and a child's native language to enable the child to attain and develop English proficiency; and
3. that may include the participation of English proficient children if the course is designed to enable all children to become proficient in English and a second language.

"Student learning English" means an individual who:

1. has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny the individual the opportunity to:
   a. learn successfully in classrooms where the language of instruction is English; or
   b. participate fully in society;
2. was not born in the United States or whose native language is a language other than English and who comes from an environment where a language other than English is dominant; or
3. is an American Indian or Alaskan native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency.

Utah Admin. Rules R277-716-2 (April 8, 2021)

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Services for Students with Limited English Proficiency—

As required by State Board of Education regulations and federal Title III, the District shall provide an approved language instruction educational program for students learning English.

Utah Admin. Rules R277-716-4 (April 8, 2021)

Alternative Language Services Program—

The District shall establish a written alternative language services plan that:

1. includes an identification program for students learning English, including a home language survey and a language proficiency for program placement, that is implemented with student registration;
2. uses a valid and reliable assessment of a student's English proficiency in listening, speaking, reading, and writing;
3. provides an evidence-based language instruction educational program based on State Board approved Utah English Language Proficiency Standards;
4. establishes student exit criteria from ALS programs or services; and
5. includes the count of students learning English, by classification, prior to July 1 of each year.

Utah Admin. Rules R277-716-4(1) (April 8, 2021)

Language Acquisition Instructional Services—

The District and each school shall:

1. determine what type of Title III ALS services are available and appropriate for each student identified in need of ALS services, including:
   a. dual immersion;
   b. ESL content-based; and
   c. sheltered instruction;
2. implement an approved language instruction educational program designed to achieve English proficiency and academic progress of an identified student;
3. ensure that all identified students learning English receive English language instructional services, consistent with the Utah English Language Proficiency Standards;
4. provide adequate staff development to assist a teacher and staff in supporting students learning English; and
5. provide necessary staff with:
   a. curricular materials approved under applicable State Board regulations; and
   b. facilities for adequate and effective training.

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Utah Admin. Rules R277-716-4 (April 8, 2021)

Communication with Parents and Community—

Each school in the District shall provide interpretation and translation services as needed for parents at registration, IEP meetings, SEOP meetings, parent-teacher conferences, and student disciplinary meetings.

Utah Admin. Rules R277-716-4(6)(c) (April 8, 2021)

The District shall provide the following notices in connection with its alternative language program:

1. The District shall notify parents who are not proficient in English regarding the District's responsibility:
   a. to identify students learning English;
   b. to assess students' English proficiency;
   c. to provide English language acquisition instruction to students learning English whose level of English proficiency warrants such services; and
   d. to provide interpretation and translation services for parents at registration, IEP meetings, SEOP meetings, parent-teacher conferences and student disciplinary meetings.
2. The District shall provide an annual notice to the parent(s) of each student who is placed into a language instruction educational program which includes
   a. the student's level of English proficiency;
   b. how that level was assessed;
   c. the status of the student's academic achievement;
   d. the methods of instruction proposed to increase language acquisition, including using both the student's native language and English if necessary;
   e. specifics regarding how the methods of instruction will help the child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation; and
   f. the specific exit requirements for the program, including:
      i) the student's expected rate of transition from the program into a classroom that is not tailored for a student learning English; and
      ii) the student's expected high school graduation date if funds appropriated consistent with this rule are used for a secondary school student.

The notices shall be provided annually to the parent of a student placed in a language instruction educational program at the beginning of the school year or no later than 30 days after identification. If a student has been identified as requiring ALS services after the school year has started, the District shall notify the student's parent within 14 days of the student's identification and placement.

Utah Admin. Rules R277-716-4(6), (7) (April 8, 2021)

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Consortium for Alternative Language Services—

If the District generates less than $10,000 from its count of students learning English, it may form a consortium with other educational entities to deliver alternative language services as provided for by State Board of Education rule.

Utah Admin. Rules R277-716-6 (April 8, 2021)

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Special Programs:
Dropout Prevention and Recovery

At-Risk Coordinator—

The District shall designate one or more at-risk coordinators to collect and disseminate data regarding dropouts in the District and to coordinate the District's program for students who are at high risk of dropping out of school.

Identification of "Designated students"—

The District shall identify all students: who have withdrawn from school before earning a diploma, and who have been dropped from average daily membership, and whose graduating class (when entering grade 9) have not yet graduated. The District shall further identify students who are at risk of meeting these criteria.

Utah Code § 53G-9-802 (2022)
Utah Code § 53G-9-801(3) (2020)

Dropout Reduction Plan—

The District shall provide dropout prevention and recovery services to designated students, including:

1. Engaging with or attempting to engage with designated students;
2. Consulting with designated students and develop a learning plan to identify:
   a. Barriers to regular school attendance;
   b. An attainment goal through enrollment in education programs; and
   c. Means for achieving the attainment goal through enrollment in one or more of the programs described below in Flexible Enrollment Options.
3. Monitoring a designated student's progress toward reaching the designated student's attainment goal; and
4. Providing tiered interventions for a designated student who is not making progress toward reaching the student's attainment goal.

The District shall provide dropout prevention and recovery services throughout the calendar year to students who become designated students while enrolled within the District. The District shall provide dropout prevention and recovery services to students who reside within the District who were enrolled in a charter school that does not include grade 12 and become designated in the summer after the student completes academic instruction at the charter school through the maximum grade level at the charter school.

Utah Code § 53G-9-802(1)(a)-(c) (2022)

The District shall establish a policy that describes how the District (or a third party provider) will measure if a designated student made a year's worth of progress

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toward an attainment goal during the year and how membership days will be determined for a designated student in accordance with the District's school schedule and enrollment policies.

Utah Admin. Rules R277-606-3(3)(a) (July 22, 2022)

Flexible Enrollment Options—

The District shall provide flexible enrollment options for a designated student that are tailored to the designated student's learning plan and include two or more of the following:

1. Enrollment in a traditional program in a school within the District;
2. Enrollment in the District in a nontraditional program;
3. Enrollment in a program offered by a private provider that has entered into a contract with the District to provide educational services; or
4. Enrollment in a program offered by another local educational agency.

Utah Code § 53G-9-802(2)(a) (2022)

Designated Student Enrollment Options—

A designated student may enroll in:

1. A program offered by the District; or
2. The Statewide Online Education Program.

The District shall make its best effort to accommodate a designated student's choice of enrollment.

Utah Code § 53G-9-802(2)(b) (2022)

Dropout Prevention and Recovery Services—

Beginning with the 2017-18 school year (except as stated below), a District shall provide dropout prevention and recovery services for any school year in which the District meets the following criteria:

1. The District's graduation rate is lower than the statewide graduation rate; and
2. The District's graduation rate has not increased by at least 1% on average over the previous three school years, or during the previous calendar year, at least 10% of the District's designated students have not reached the students' attainment goals or made a year's worth of progress toward the students' attainment goals.

This requirement does not apply if: (a) the District is in its first three years of operation; (b) the District's average graduation rate for the previous three years is higher than the statewide graduation rate for the same period; or (c) the quotient of the total number of the District's graduating students plus 10 divided by the total number of students in the graduating class, is equal to or greater than the statewide graduation rate.

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The District may either create its own dropout prevention and recovery services plan or may contract with a third party to provide the dropout prevention and recovery services.

If a District enters into a third-party contract to provide the dropout prevention and recovery services, the District shall ensure that:

1. The third party has a demonstrated record of effectiveness engaging with and recovering designated students;
2. The contract with the third party requires the third party provide the services described the Dropout Reduction Plan and regularly report progress to the District.

Utah Code § 53G-9-802(3)-(6) (2022)
Utah Admin. Rules R277-606-3(2) (July 22, 2022)

Annual Reporting—

The District shall annually submit a report to the State Superintendent of Education on dropout prevention and recovery services by October 30, including:

1. The total number of designated students in the District;
2. If applicable, the name of the third party the District is contracting with to provide dropout prevention and recovery services;
3. The methods the District or third party uses to engage with or attempt to recover designated students under the Dropout Reduction Plan;
4. The number of designated students who enroll in a program described in the Flexible Enrollment Options as a result of the District's efforts to engage with or attempting to recover a designated student;
5. The number of designated students who reach the designated students' attainment goals; and
6. Funding allocated to provide dropout prevention and recovery services.

Utah Code § 53G-9-802(7) (2022)
Utah Admin. Rules R277-606-4(1)(b) (July 22, 2022)

If the District creates its own dropout prevention and recovery plan, the District shall annually submit a copy of that plan to the State Superintendent of Education by October 30.

Utah Admin. Rules R277-606-4(2) (July 22, 2022)

"Attainment Goals" Defined—

Attainment Goal means:

1. A high school diploma;
2. Utah High School Completion Diploma, as defined in State Board of Education rule;

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3. An Adult Education Secondary Diploma, as defined in State Board of Education rule; or
4. An employer-recognized, industry-based certificate that is likely to result in job placement and is included in the State Board of Education's approved career and technical education industry certification list.

Utah Code § 53G-9-801(1) (2020)

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Special Programs:
Education of Youth in Custody

Contracts with the State to provide education for youth in custody—

The District may contract with the State Board of Education to provide for education of persons who are either 21 years or younger or are students with disabilities entitled to a free, appropriate public education and who are receiving services from the Department of Human Services or an agency of a Native American tribe or who are being held in a juvenile detention center. The responsibilities of the District, the State Board of Education, and other local service providers regarding serving youth in custody in the District shall be established by the contract. The District may subcontract with local non-district educational service providers for the provision of educational services.

Utah Code § 53E-3-503(1), (3) (2020)
Utah Admin. Rules R277-709-4(1) (August 19, 2019)

Youth in custody SEOP/Plan for College and Career Readiness—

Each student who is a youth in custody shall have a written plan for college and career readiness defining the student's academic achievement, which shall specify known in-school and extra-school factors which may affect the student's school performance. This plan shall be annually reviewed by the student, the student's parent or guardian, and school staff.

Utah Admin. Rules R277-709-3(1), (2) (August 19, 2019)

Evaluation of youth in custody—

When a student enters a District youth in custody program, the District shall obtain the student's evaluation records and, if those records are not current, conduct the evaluation as quickly as possible to avoid unnecessary delay in developing a student's education program. The District has the responsibility for conducting IDEA child find activities for students in a District youth in custody program.

Utah Admin. Rules R277-709-3(3), (4) (August 19, 2019)

Education programs for youth in custody—

A plan for college and career readiness and, as appropriate, an Individual Education Program (IEP) shall be developed for youth in custody students based upon the results of the student's evaluation. This plan shall be developed in cooperation with appropriate representatives of other service agencies working with the student (such as JJS, DSFS, DWS), shall specify the responsibilities of each agency towards the student and shall be signed by the representatives of each agency. The plan shall be reviewed and updated at least once each year or immediately following the student's transfer from one custody program to another, whichever is sooner.

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Utah Admin. Rules R277-709-3(5) (August 19, 2019)

The District shall provide the student with an education program which conforms as closely as possible to the student's education plan. Educational services shall be provided in the least restrictive environment appropriate for the student's behavior and educational performance. Youth in custody who do not require special services beyond those which would be available to them were they not in custody shall be considered part of the District's regular enrollment and treated accordingly.

Youth in custody shall only assign or allow youth in custody to remain in restrictive or mainstream programs as appropriate considering their custodial status, their past behavior that does not put others at risk, or the inappropriate behavior of other students.

Educational services shall be coordinated with non-custody programs to enable youth in custody to continue their education following discharge from custody.

Utah Admin. Rules R277-709-3(7), (9), (12) (August 19, 2019)

Enrollment and transfers of youth in custody—

Youth in custody receiving educational services by or through the District are students of the District. The District may not establish the District as a student's alternative district of residency under Policy FBA primarily for the student to receive services in a state-funded youth in custody program.

Utah Admin. Rules R277-709-4(5), (6) (August 19, 2019)

Youth in custody shall be admitted to classes within five school days following arrival at a new residential placement. If the student's evaluation and education plan development cannot be completed within five school days, the student shall be enrolled temporarily based upon the best information available. The student's temporary schedule may be modified to meet the student's needs after the evaluation and planning process are complete.

Utah Admin. Rules R277-709-3(13) (August 19, 2019)

When a youth in custody student is released from custody or transferred to another program, the sending program shall bring all available school records up to date and forward them to the receiving program consistent with Policy FBA and Utah Code § 53G-6-604.

Utah Admin. Rules R277-709-3(14) (August 19, 2019)

Records of youth in custody students—

All information maintained regarding a youth in custody student, regardless of the source of the information, is an educational record for purposes of the Family Educational Rights and Privacy Act and are considered confidential student records. (See Policy FE.) School records which refer to custodial status, juvenile court records, and related matters shall be kept separate from permanent school records,

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but are nonetheless educational records if retained by the school or District. Members of the interagency team which design and oversee the student's education plan shall have access, through team member representatives of the participating agencies, to relevant records of the various agencies. However, the records and information obtained from those records remain the property of the supplying agency and shall not be transferred or shared with other persons or agencies without the permission of the supplying agency.

Utah Admin. Rules R277-709-9 (August 19, 2019)

Credit, transcripts, and diplomas for youth in custody students—

Credit earned in accredited youth in custody programs shall be accepted at face value by the District.

Utah Admin. Rules R277-709-3(11) (August 19, 2019)

Transcripts and diplomas prepared for youth in custody students shall be issued in the name of the District or a school in the District which also serves non-custodial youth and shall not refer in any way to custodial status of the student.

Utah Admin. Rules R277-709-9(1) (August 19, 2019)

Interagency advisory council—

If the District has contracted to provide services for youth in custody, the District shall establish a local interagency advisory council to advise member agencies concerning coordination of youth in custody programs. This council shall include:

1. A representative of the Division of Child and Family Services;
2. A representative of the Division of Juvenile Justice Services;
3. Directors of agencies located in the District such as detention centers, secure lockup facilities, observation and assessment units, and the Utah State Hospital;
4. A representative of community-based alternative programs for custodial juveniles; and
5. A representative of the District.

The council shall adopt bylaws for its operation and shall meet at least quarterly.

Utah Code § 53E-3-503(6) (2020)
Utah Admin. Rules R277-709-11 (August 19, 2019)

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Special Programs:
Gifted and Talented Students

Placement and Education of Gifted and Talented Students—

As required by the State Board of Education, the District shall provide for the education of gifted and talented students as follows:

1. The District shall use assessments as directed by the State Board of Education to identify students who are considered gifted or talented under the criteria established by the State Board of Education.
2. The District shall establish a process for appropriately placing students identified as gifted or talented.
3. The District shall develop a plan for educating gifted and talented students which contains the elements required by the State Board of Education. This plan shall be submitted annually to the State Board of Education for review.

Utah Admin. Rules R277-707-3 (September 24, 2020)

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Special Programs:
Special Education

Provision of Special Education—

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. The District shall be responsible for providing educational and related services to eligible students in the least restrictive environment. As determined by the student's IEP team, the District may provide services in the least restrictive environment regardless of whether the other students in the class or setting are eligible for special education services. Students with disabilities shall have the opportunity to participate in educational programs and activities with students without disabilities. To be eligible for special education services a student must have been determined to have one or more of the disabilities listed in federal regulations or in state law.

Utah Code § 53E-7-202 (2019)
Utah Code § 53E-7-207(1), (2) (2022)
State Board of Education Special Education Rules

Special Education Program—

The District's special education program is the systems established to:

1. Implement IEPs for eligible students;
2. Appropriately and timely identify eligible students;
3. Evaluate and classify eligible students by qualified personnel;
4. Implement standards for special education classes and services;
5. Deliver special education service responsibilities;
6. Ensure special education instructional staff are appropriately credentialed; and
7. Provide services for dual enrollment students that are eligible students and attending public school on a part-time basis.

Utah Code § 53E-7-201(4) (2022)

Definition of Students With Disabilities—

"Students with disabilities" means students between the ages of 3 and 22, inclusive, with educational disabilities as established by federal and state regulations (intellectual disability, hearing impairment (including deafness), speech or language impairment, visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities).

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Utah Code § 53E-7-201(1), (8) (2022)
34 CFR § 300.8(a)(1)

Students Turning 22 During School Session—

When a student with a disability turns 22 years old during the school year, and the student has not graduated from high school with a regular diploma, the student's entitlement to services is extended to the end of the school year.

Utah Code § 53E-7-201(8)(b) (2022)
State Board of Education Special Education Rules II.I.

Child Identification—

The District shall maintain a system for identifying children with disabilities who are in need of special education that includes a system of public awareness to inform the public annually of educational opportunities available to those with disabilities.

State Board of Education Special Education Rules II.A.

Parental Participation In Special Education Committee—

The District shall maintain documentation to indicate the extent of parent participation in the student's Individual Education Program ("IEP") development and parent agreement or disagreement with the IEP.

State Board of Education Special Education Rules III.G.

If the parent is unavailable or refuses to cooperate in an IEP meeting, the District may proceed in its responsibilities for the student's education after the avenues in federal regulations have been exhausted. Efforts to contact or include the parent shall be documented. If the parent refuses to consent to initiation of formal evaluation procedures or initial special education placement, the District may pursue the courses of action available in state and federal statutes and regulations.

Individual Education Program ("IEP")—

The IEP developed for each student shall include all the elements required by state and federal regulations and shall be completed and in place in the time required by federal and state law and regulations. Signatures of the participants present and an indication of agreement or disagreement with the decisions of the committee shall be a part of the IEP. In establishing the IEP, the District shall consider the student's needs and the services provided so as to prevent valid excused absences for mental health or behavioral health resulting in a failure to provide a free appropriate public education to the student as required by law.

Utah Admin. Rules R277-607-3(1)(a)(ii) (August 25, 2021)
State Board of Education Special Education Rules I.E.24
State Board of Education Special Education Rules III

Least Restrictive Environment—

To the greatest extent appropriate for the individual student, students with disabilities shall:

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1. Remain in the regular education program with special education support services, supplementary aides, or other special arrangements, if needed.
2. Be educated to the maximum extent appropriate with students who do not have disabilities.
3. Be provided opportunities to participate in school activities on the same basis as students without disabilities.
4. Be offered an opportunity for interaction with students without disabilities on a regular basis.

Utah Code § 53E-7-204(3)(e) (2022)
State Board of Education Special Education Rules I.E.27
State Board of Education Special Education Rules III.O.

Instructional Day—

An instructional day commensurate with that of students without disabilities shall be available to students with disabilities.

Utah School For The Blind And School For The Deaf—

Prior to consideration of the student's educational placement for special education services, the District shall inform each parent of a visually or auditorially handicapped student that a representative from the Utah School for the Deaf or Utah School for the Blind can assist in developing the student's IEP and make recommendations for placement.

Students in Utah State Department of Social Service Facilities—

If a Utah Department of Social Services approved residential care and treatment facility that does not have an education program is located within the District's boundaries, the District may contract to provide special education to eligible students with disabilities residing in the facility.

Planning and Evaluation—

The District's efforts to continuously improve its programs and services in accordance with accreditation requirements shall include elements of special education. The District shall evaluate the effectiveness of its special education program as part of the evaluation information maintained by the District and reported to the public.

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Special Programs:
Health Care Occupation Programs

Notice of clinical experience component—

Prior to a student registering in any health care occupation program offered by or through District schools which includes a clinical experience segment, the student's parent shall be given written notice that the program includes a clinical experience segment in which the student will observe and perform specific health care procedures which may include personal care, patient bathing, and bathroom assistance. A similar notice shall also be provided to the student's parent before the student participates in the clinical experience segment.

Utah Code § 53E-3-507(5) (2021)

Written Consent to Student Participation in Clinical Experience—

Prior to a student's registering in or participating in a health care occupation program which includes a clinical experience segment, the student's parent must have provided specific written consent to the student's registration and participation in the clinical experience. This written consent shall specifically state that the student will observe and perform specific health care procedures which may include personal care, patient bathing, and bathroom assistance.

Utah Code § 53E-3-507(5) (2021)

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EDG

Special Programs:
Higher Education Savings Options

During kindergarten enrollment, each elementary school shall provide the parents of a kindergarten student with information about higher education savings options, including information about opening a Utah Educational Savings Plan account.

Utah Code § 53G-10-305 (2019)

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Special Programs:
Student Internships

Definitions—

1. "Intern" means a student enrolled in a school-sponsored work experience and career exploration program involving both classroom instruction and work experience with a cooperating employer, for which the student receives no compensation.
2. "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through a school, provides interns with training and work experience in activities related to the entity's ongoing business activities.
3. "Internship" means the work experience segment of an intern's school-sponsored work experience and career exploration program, performed under the direct supervision of a cooperating employer.
4. "Internship safety agreement" means the agreement between a public or private school and a cooperating employer in accordance which satisfies the requirements set forth below.

Utah Code § 53G-7-901 (2020)

Internships Authorized—

The District may offer internships in connection with work experience and career exploration programs operated in accordance with rules of the State Board of Education.

Utah Code § 53G-7-902 (2019)

Internship Standards—

To be approved, an internship program must meet each of the following requirements:

1. It must provide for training for interns, intern supervisors, and cooperating employers regarding health hazards and safety procedures in the workplace;
2. It must specify standards and procedures for approval of any off-campus work sites;
3. It must address transportation options for interns to and from the work site;
4. It must provide for appropriate supervision by employers at the work site;
5. It must provide for appropriate supervision and assessment of interns by the school;

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6. It must address and identify insurance coverage and adequate insurance coverage must be provided either by the intern, the program, or the District;
7. It must provide for appropriate involvement in and approval by the intern's parents regarding the program;
8. It must provide for the risk or liability inherent in the program developed in consultation with State Risk Management or the District's insurance provider; and
9. It must demonstrate that any credit awarded for participation in the internship maintains the integrity and rigor expected for high school graduation as determined by the State Board of Education.

Utah Admin. Rules R277-915-3 (February 7, 2017)

Recognition of Cooperating Employers—

A sponsoring or participating school may give appropriate recognition to a cooperating employer which is participating in an approved internship, including the posting of the employer's name and a short description of the employer's business in an appropriate location on school property, or publication of that information in official publications of the school or of the District.

Utah Code § 53G-7-905 (2018)

Workers' Compensation Coverage—

An intern participating in an internship under this policy is considered to be a volunteer government worker of the District, solely for purposes of receiving workers' compensation medical benefits.

Receipt of such medical benefits shall be the exclusive remedy against the District and the cooperating employer for all injuries and occupational diseases arising from participation in the internship.

Utah Code § 53G-7-903 (2020)

Internship Safety Agreement—

The District shall attempt to establish an internship safety agreement with each cooperating employer. Such an internship safety agreement must include, at a minimum, the cooperating employer's agreement to meet the following requirements:

1. To ensure that an adult officer or employee of the cooperating employer is not intentionally alone with an intern for any significant amount of time during the intern's activities;
2. To maintain compliance with all applicable state and federal laws relating to workplace and student safety, privacy, and welfare; and
3. To provide a safe, educational, courteous, and welcoming professional environment that is free of harassment or discriminatory conduct that may

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result in a hostile, intimidating, abusive, offensive, or oppressive learning environment.

Utah Code § 53G-7-904(1) (2020)

Criminal Background Checks of Staff of Cooperating Employer—

If an internship safety agreement is in place with a cooperating employer, then the officers and employees of the cooperating employer are exempt from the criminal background check requirements set out in Policy DAC.

If the District does not have an internship safety agreement with a cooperating employer, then prior to any intern participating in an internship with that employer, each officer and employee of the cooperating employer who will be given significant unsupervised access to a student in connection with the student's activities as an intern shall submit to criminal background checks under Policy DAC.

Utah Code § 53G-7-904(2) (2020)
Utah Code § 53G-11-402(1)(a)(iii) (2020)

If a required background check of an officer or employee of a cooperating employer discloses any information that calls into question the propriety of that individual having access to an intern, the District shall modify the conditions of the internship or discontinue its participation with the cooperating employer as may be warranted to ensure the safety and well-being of its students.

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Instructional Resources:
Copyrighted Material

Copyrights to Be Honored—

Employees of the District shall comply with the provisions of the United States copyright law. Under that law, subject to certain specific exceptions, as stated below, the owner of a copyright has the exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance, or display by others. Unless the use is permitted under the guidelines in this policy, District employees shall not copy or make use of copyrighted material without first obtaining the appropriate permissions from the copyright holder.

Fair Use Exception—

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of educational fair use. Under this exception, the fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. In determining whether the fair use exception applies, the following factors are considered:

1. The purpose and character of the use, including whether the use is of a commercial nature or for non-profit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

17 U.S.C. § 107

District employees should use caution before making use of copyrighted material based only on application of these fair use factors, and should consult with District administration and/or District legal counsel before making such uses.

Performances and Displays—

A further exception shall be performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other similar place devoted to instruction.

Fair Use Guidelines—

Employees who wish to use copyrighted print material, broadcast recordings, or music shall follow the fair use guidelines as set forth in this policy, which establish uses which will be considered fair use and are permitted. These guidelines establish

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a minimum guaranteed fair use, not a maximum. Any use that falls within those guidelines is a fair use; any use which exceeds these guidelines shall be judged by the four factors stated above and may be subject to challenge. Therefore, any uses beyond these guidelines should first be approved by District administration and/or legal counsel.

Prohibitions—

Notwithstanding the fair use guidelines, the following shall be prohibited:

1. Copying of print materials and sheet music to create or replace or substitute for anthologies, compilations, or collective works. This prohibition against replacement or substitution applies whether copies of various works or excerpts are accumulated or reproduced and used separately.
2. Copying of or from works intended to be "consumable" in the course of study or teaching. These works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.
3. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term.
4. Students may not be charged any amount for copying which exceeds the actual cost of copying.

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions With Respect to Books and Periodicals

Broadcast Programs Fair Use Guidelines—

Broadcast programs, including commercial and public television and radio, shall not be videotaped or tape recorded for reuse without permission, except within the following guidelines:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a District school for a period not to exceed the first 45 consecutive calendar days after the date of recording. At the end of that retention period, off-air recordings shall be erased or destroyed.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary during the first ten consecutive school days within the 45-calendar-day retention period. ("School days" are actual days of instruction, excluding examination periods.) The showing may be in classrooms within one building, cluster, or campus.
3. Off-air recordings shall be made at the request of and used by individual teachers and shall not be regularly recorded in anticipation of requests. No

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broadcast program shall be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program is broadcast.

4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. (For example, when several teachers request recordings of the same program.) Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings shall include the copyright notice on the broadcast program as recorded.
5. After the first ten consecutive school days, off-air recordings may be used up to the end of the 45-calendar-day retention period only to determine whether or not to purchase and include the program in the teaching curriculum and shall not be used in the District for student exhibition or any other non-evaluative purpose without authorization.
6. Off-air recordings need not be used in their entirety, but the recorded programs shall not be altered from their original content. Off-air recordings shall not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

Guidelines for Off-air Recording of Broadcast Programming for Educational Purposes (House Report H.R. 97-495, p. 8-9)

Some media providers (such as PBS or other entities) may have negotiated permissions allowing for educational use beyond these basic guidelines. With a written confirmation of such negotiated permissions, broadcast programs may be recorded and used in conformance with the extended permissions.

Print Media Fair Use Guidelines—

Copyrighted print media may be used for instructional purposes as follows:

1. Single Copying for Teachers
   a. A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:
      i. A chapter from a book.
      ii. An article from a periodical or newspaper.
      iii. A short story, short essay, or short poem, whether or not from a collective work.
      iv. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
2. Multiple Copies for Classroom Use

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a. Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

   i. The copying meets the tests of brevity and spontaneity as those are defined below; and

   ii. The copying meets the cumulative effect test as that is defined below; and

   iii. Each copy includes a notice of copyright.

b. Brevity. The test of brevity can be met as follows:

   i. Poetry:

      (1) A complete poem if less than 250 words and if printed on not more than two pages; or,

      (2) from a longer poem, an excerpt of not more than 250 words.

      (3) These limits may be extended to permit the completion of an unfinished line of a poem.

   ii. Prose (unless the work is a “Special” work as set out below):

      (1) Either a complete article, story, or essay of less than 2,500 words; or,

      (2) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

      (3) These limits may be extended to permit the completion of an unfinished paragraph of prose.

   iii. Illustration:

      (1) One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

   iv. “Special” works:

      (1) Certain works in poetry, prose, or in “poetic prose” which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Despite the prose brevity guideline in paragraph “ii” above, such “special works” may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

b) Spontaneity. The test of spontaneity can be met as follows:

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i) The copying is at the instance and inspiration of the individual teacher, and,

ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

c) Cumulative Effect. The test of cumulative effect can be met as follows:

i) The copying of the material is for only one course in the school in which the copies are made.

ii) Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

iv) The limitations stated in “ii” and “iii” above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.

Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions With Respect to Books and Periodicals

Music Fair Use Guidelines:

Copyrighted music may be used for instructional purposes as follows:

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or aria, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per student.
3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational

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institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

Guidelines for Educational Uses of Music

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Instructional Resources:
Internet Policy

[Note that before an internet safety policy is adopted or revised, a school board must provide reasonable public notice and must hold at least one public meeting or hearing regarding the policy. (Utah Admin. Rules R277-495-3(6) (April 8, 2019).) In addition, school boards are required to encourage schools to involve teachers, parents, students, school employees and community members in developing local school policies. (Utah Admin. Rules R277-495-3(3) (April 8, 2019).) Moreover, school community councils are to make recommendations regarding safe technology use and digital citizenship. (Utah Code § 53G-7-1202(3)(a)(ii)(D).) Therefore, this model policy may be used as a framework but should not be adopted without meeting the public notice and hearing requirements and the form of the adopted policy should reflect the input from the various groups identified.]

Internet Protection—

Access to the internet through District computer networks or systems or by means of devices owned by the District shall be regulated by filtering software or other measures which prevent users from accessing images which are obscene or pornographic or otherwise harmful. Student online activity shall be monitored and specified staff shall have responsibility for supervision of student online activities. In addition, students shall be educated by appropriate staff members regarding appropriate online behavior, including interacting with other individuals through chat rooms or social networking websites and cyberbullying awareness and response. Each school's community council shall also provide for education and awareness on safe technology use and digital citizenship which empowers students to make smart media and online choices and parents to know how to discuss safe technology use with their children.

Utah Admin. Rules R277-495-4(1)(e), (2)(f), (3)(c) (April 8, 2019)
Utah Code § 53G-7-216(3) (2018)
Utah Code § 53G-7-1202(3)(a)(iii)(A), (iv) (2020)

Due Process—

The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to any illegal activities conducted through the District system or District-owned devices.

In the event there is an allegation that a student has violated the District Internet Use Policy, the student will be provided with a notice and opportunity to be heard in the manner set forth in the student disciplinary code.

Disciplinary actions will be tailored to meet specific concerns related to the violation and to assist the student in gaining the self-discipline necessary to behave appropriately on an electronic network. If the alleged violation also involves a

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violation of other provisions of the student disciplinary code, the violation will be handled in accord with the applicable provision of the code.

Employee violation of the District Internet Use Policy will be handled in accordance with District policy and collective bargaining agreement, if applicable.

Any District administrator may terminate the account privileges of a guest user by providing notice to the user. Guest accounts that are not active for more than ninety days may be removed, along with the user's files, without notice to the user.

Search and Seizure—

System users do not have an expectation of privacy in the contents of their personal files and/or personal electronic mail accounts and records of their online activity accessed via the District's electronic communications system or through District-owned devices.

Routine maintenance and monitoring of the system may lead to discovery that the user has violated or is violating the District Internet Use Policy, the student disciplinary code, or the law.

An individual search will be conducted if there is reasonable suspicion that a user has violated the law or the student disciplinary code. The nature of the investigation will be reasonable and in the context of the nature of the alleged violation.

District employees should be aware that their personal files and/or personal electronic mail accounts on the District's system or on District-owned devices may be discoverable according to the Government Records Access Management Act.

Academic Freedom, Free Speech, and Selection of Material—

Board policies on academic freedom and free speech will govern the use of the Internet.

When using the Internet for class activities, teachers will:

1. Select material that is appropriate in light of the age of the students and that is relevant to the course objectives.
2. Preview the materials and sites they require students to access to determine the appropriateness of the material contained on or accessed through the site.
3. Provide guidelines and lists of resources to assist their students in channeling their research activities effectively and properly.
4. Assist their students in developing the skills to ascertain the truthfulness of information, distinguish fact from opinion, and engage in discussion about controversial issues while demonstrating tolerance and respect for those who hold divergent views.

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Parental Notification and Responsibility—

The District will notify the parents about the District network and the policies governing its use. Parents must sign an agreement to allow their student to have an individual account. Parents may request alternative activities for their child(ren) that do not require Internet access.

Parents have the right at any time to investigate the contents of their child(ren)'s email files. Parents have the right to request the termination of their child(ren)'s individual account at any time.

The District Internet Use Policy contains restrictions on accessing inappropriate material and student use will be supervised. However, there is a wide range of material available on the Internet, some of which may not be in accordance with the particular set of values held by an individual student's family. The District will encourage parents to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the District system.

[Optional, if remote access is provided] Parents are responsible for monitoring their student's use of *[name of network system]* when they are accessing the system from home.

Access—

The following levels of access will be provided:

1. Classroom Accounts
    a. Elementary age students will be granted Internet access only through a classroom account. Elementary students may be provided with an individual account under special circumstances at the request of their teacher and with the approval of their parent. An agreement will only be required for an individual account, which must be signed by the student and his or her parent. Parents may specifically request that their child(ren) not be provided access through the classroom account by notifying the District in writing (or whatever procedure the District uses for other permissions).
2. Individual Accounts for students
    a. Secondary students may be provided with individual Internet accounts. Secondary students *[will] [will not]* have remote access to the system. A written agreement will be required for an individual account. This agreement must be signed by the student and his or her parent.
3. Individual Accounts for District Employees
    a. District employees will be provided with an individual account and *[will] [will not]* have remote access to the system. Communications within the course and scope of employees' duties shall be made through this account. No written agreement will be required.

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Guidelines for Internet Use—

1. Personal Safety (These restrictions are for students only):
    a. Users will not post or provide personal contact information about themselves or other people. Personal contact information includes address, telephone, school address, work address, etc.
    b. Users will not agree to meet with someone they have met online without their parent's approval and participation,
    c. Users will promptly disclose to their teacher or other school employee any message they receive that is inappropriate or makes them feel uncomfortable.
2. Illegal Activities
    a. Users will not attempt to gain unauthorized access to the District system or to any other computer system through the District system or go beyond their authorized access. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of "browsing."
    b. Users will not make deliberate attempts to disrupt the computer system performance or destroy data by spreading computer viruses or by any other means. These actions are illegal.
    c. Users will not use the District system to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of a person, etc.
3. System Security
    a. Users are responsible for the use of their individual account and should take all reasonable precautions to prevent others from being able to use their account. Under no conditions should a user provide his or her password to another person.
    b. Users will immediately notify the system administrator if they have identified a possible security problem. Users will not search for or attempt to discover security problems, because this may be construed as an illegal attempt to gain access.
    c. Users will avoid the inadvertent spread of computer viruses by following the District virus protection procedures.
4. Inappropriate Language
    a. Restrictions against inappropriate language apply to public messages, private messages, and material posted on Web pages.
    b. Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, slanderous or disrespectful language.

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c. Users will not post information that, if acted upon, could cause damage or a danger of disruption.

d. Users will not engage in personal attacks, including prejudicial or discriminatory attacks. Users will not harass another person.

   i. Harassment is persistently acting in a manner that distresses or annoys another person. If a user is told by a person to stop sending the person messages, they must stop.

e. Users will not knowingly or recklessly post false or defamatory information about a person or organization

5. Request for Privacy

   a. Users will not re-post a message that was sent to them privately without permission of the person who sent them the message.

   b. Users will not post private information about another person.

6. Respecting Resource Limits

   a. Users will use the system only for educational and professional or career development activities (no time limit), and limited, high-quality, personal research. For students, the limit on personal research is no more than _____ hours per week. *[The last sentence is optional and probably only necessary if the District allows remote access.]*

   b. Users will not download large files unless absolutely necessary. If necessary, users will download the file at a time when the system is not being heavily used and immediately remove the file from the system computer to their personal computer or diskette.

   c. Users will not post chain letters or engage in “spamming.” Spamming is sending an annoying or unnecessary message to a large number of people.

   d. Users will check their email frequently, delete unwanted messages promptly, and stay within their email quota.

   e. Users will be subscribed only to high quality discussion group mail lists that are relevant to their education or professional/career development.

7. Plagiarism and Copyright Infringement

   a. Users will not plagiarize works that they find on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were original to the user.

   b. Users will respect the rights of copyright owners. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies acceptable use of that work, the user should follow the expressed

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requirements. If the user is unsure whether or not they can use a work, they should request permission from the copyright owner.

8. Inappropriate Access to Material
   a. Users will not use the District system or District-owned electronic devices to access material that is profane or obscene (pornography), that advocates illegal or dangerous acts, or that advocates violence or discrimination towards other people (hate literature). (See Policy FGAB and Policy DMA.) For students, a special exception may be made if the purpose is to conduct research and access is approved by both the teacher and the parent. District employees may access the above material only in the context of legitimate research.
   b. If a user inadvertently accesses such information, he or she should immediately disclose the inadvertent access in a manner specified by their school. This will protect users against an allegation that they have intentionally violated the Internet Use Policy.

   Utah Admin. Rules R277-495-4(1)(c) (April 8, 2019)

District Website—

The District may establish a website. Material appropriate for placement on the District website includes: District information, school information, teacher or class information, student projects, and student extracurricular organization information. Personal information not related to education will not be allowed on the District website.

The Superintendent will designate a District Web Publisher, responsible for maintaining the school websites and monitoring class, teacher, student, and extracurricular web pages. The Web Publisher will develop style and content guidelines for official District and school web materials and develop procedures for the placement and removal of such material. All official District material posted on the District website must be approved through a process established by the District Web Publisher.

School Websites—

The Principal will designate a School Web Publisher, responsible for managing the school website and monitoring class, teacher, student, and extracurricular web pages. All official material originating from the school will be consistent with the District style and content guidelines and approved through a process established by the School Web Publisher. The School Web Publisher will develop additional guidelines for the school website.

Collection of User Information—

If the school or District collects personally identifiable information from users who access its website, the school or District shall publish on that website a privacy policy statement that discloses the following information:

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1. The identity of the school's Web Publisher and contact information (telephone number or email address);
2. A summary of the personally identifiable information collected by the school or school district and contained on its website;
3. How the personally identifiable information collected by the school or District is used by the school or District;
4. The school's or District's practices concerning disclosure of the personally identifiable information on the website;
5. How the user who accesses the school or District website can request access to his or her personally identifiable information and access to correct the information; and
6. A general description of the security measures in place to protect the user's personally identifiable information from unintended disclosure.

Utah Code § 63D-2-102 (2021)
Utah Code § 63D-2-103 (2008)

Staff Web Pages—

Staff may develop web pages that provide a resource for others. Staff will be responsible for maintaining their resource sites. Staff web pages will not be considered official material but will be developed in a manner as to reflect well upon the District.

Student Web Pages—

1. Students may create a website as part of a class activity. Material presented on a student class activity website must meet the educational objectives of the class activity.
2. With the approval of the Principal or Web Publisher, students may establish personal web pages. Material presented in the student's personal website must be related to the student's educational and career preparation activities.
3. It will not be considered a violation of a student's right to free speech to require removal of material that fails to meet established educational objectives or that is in violation of a provision of the Internet Use Policy or student disciplinary code. However, student material may not be removed merely on the basis of disagreement with the views expressed by the student.
4. Student web pages must include the following notice: "This is a student web page. Opinions expressed on this page shall not be attributed to the District."
5. Student web pages will be removed at the end of the school year unless special arrangements are made. A notice will be provided to students prior to such removal.

Extracurricular Organization Web Pages—

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1. With approval of the Principal, extracurricular organizations may establish web pages. Material presented on the organization web page must relate specifically to organization activities.
2. Organization web pages must include the following notice: "This is a student extracurricular organization web page. Opinions expressed on this page shall not be attributed to the District."

Student Information—

Each school shall develop standards for disclosure of student information that are considered generally acceptable in light of the age of the students attending the school.

[Alternative: The following standards will be followed regarding the disclosure of student information on school websites:

1. Elementary age students:
   a. First and last initial, no pictures of identifiable students
2. Middle school students:
   a. First and last names
3. Parental approval of disclosure in accord with the standards must be obtained.]

Web Page Requirements—

1. All District Internet Use Policy provisions will govern material placed on the web.
2. Web pages shall not:
   a. Contain personal contact information about students beyond that permitted by the school (or District) and parent.
   b. Display photographs or videos of any identifiable individual without a signed model release. Model releases for students under the age of 18 must be signed by their parent or guardian.
   c. Contain copyrighted or trademarked material belonging to others unless written permission to display such material has been obtained from the owner. There will be no assumption that the publication of copyrighted material on a website is within the fair use exemption.
3. Material placed on the website is expected to meet academic standards of proper spelling, grammar, and accuracy of information.
4. Students may retain the copyright on the material they create that is posted on the web. District employees may retain the copyright on material they create and post if appropriate under District policies.

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5. Each web page will carry a notice indicating when it was last updated and the email address of the person responsible for the page.
6. All web pages should have a link at the bottom of the page that will help users find their way to the appropriate home page.
7. Users should retain a back-up copy of their web pages.

Handbook, Forms, and Agreements—

Exhibits 1 - 4 of this policy document contain the student internet handbook, forms, and agreements to implement this policy and regulation.

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Instructional Resources:
Purchase of Primary Instructional Materials

Independent Core Curriculum Alignment Analysis Required—

Before the District or any school within the District may purchase any primary instructional materials, the proposed materials provider must have contracted with an independent third party to evaluate and map the alignment of the primary instructional materials with the State core standards for Utah public schools, and a detailed summary of that evaluation must have been made available for use by teachers and the general public on a public website at no charge. The cost of satisfying this requirement must be paid by the proposed materials provider, and the materials provider may not perform the evaluation, summary, or web-site publication of the evaluation.

Utah Code § 53E-4-408(1), (2) (2020)

Requirements May Not Be Performed By the Board or the District—

Neither the Board of Education nor the District may perform the evaluation, summary, or website publication of the evaluation.

Utah Code § 53E-4-408(2) (2020)

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Instructional Resources:
Teaching Supplies and Materials

Teaching Supplies and Materials—

Teaching supplies and materials include both expendable and nonexpendable items that are used by teachers for educational purposes in classroom activities. Such supplies and materials may include, for example, paper, pencils, workbooks, supplementary books and resources, laboratory supplies (such as photography materials, chemicals) paints, wood, glue, sandpaper, nails, tools, equipment, or automobile parts.

Supplies and Materials Purchased With Public Funds are District Property—

All teaching supplies and materials which are purchased with school, district, or public funds are the property of the District and must remain with the District for school use, and may not be taken or appropriated for personal use by teachers or other District staff. (Public funds may include, for example, funds directly appropriated by the legislature for teaching supplies and materials, as well as funds donated to the school or District for school use.)

Supplies and Materials Purchased With Personal Funds are Personal Property—

Teaching supplies and materials which are purchased by teachers or other staff with personal funds are personal property of the purchasing employee and may be retained by the employee when the employee discontinues employment with the District. However, any such personal property that the employee wishes to retain should be clearly marked as such when brought to the school, and documentation retained which evidences that personal funds were used to purchase the supplies or materials.

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Instructional Resources:
Evaluation and Selection of Instructional Materials

Definitions—

The following definitions apply in this policy:

1. "Instructional material" means information, regardless of format, which is used either (a) as or in place of textbooks to deliver instruction to students within the state curriculum framework or (b) to support a student's learning in the school setting. It may include reading materials, handouts, videos, digital materials, websites, online applications, and live presentations.

   Utah Code § 53G-10-103(1)(a) (2022)

2. "School setting" means on school property (including but not limited to classrooms or a school library) or (regardless of location) an activity sponsored by the District or a school but which is conducted by an organization which is not part of the District. Such activities can include but are not limited to an assembly, a guest lecture, a live presentation, or another event.

   Utah Code § 53G-10-103(1)(f) (2022)

3. "Sensitive material" means instructional material that is pornographic or indecent (as defined in this policy) but excludes instructional materials selected (a) following the procedures outlined in Policy ECH, (b) for medical courses, (c) for family and consumer sciences courses, or (d) for other courses identified by State Board of Education Rule.

   Utah Code § 53G-10-103(1)(g) (2022)

4. "Pornographic or indecent" means material that meets any of the following:

   a. Any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse which, taken as a whole, appeals to the prurient interest in sex of minors, is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and taken as a whole does not have serious value for minors (which includes only serious literary, artistic, political, or scientific value for minors);

   b. A material or performance which the average person, applying contemporary community standards, finds that, taken as a whole, appeals to prurient interest in sex, is patently offensive in the description of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion, and does not have serious literary, artistic, political, or scientific value;

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c. A description or depiction of: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals or pubic region; or fondling or other erotic touching of the human buttock or female breast; or

d. A description or depiction of a nude or partially denuded figure, which means human male genitals in a discernibly turgid state (even if completely or opaquely covered) or less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola, where the material containing the nudity, taken as a whole, does not have serious literary, artistic, political, or scientific value for minors, taking into consideration the ages of all minors who could be exposed to the material.

Utah Code § 53G-10-103(1)(g)(i) (2022)
Utah Code § 76-10-1235(1)(a) (2007)
Utah Code § 76-10-1201(5) (2013)
Utah Code § 76-10-1203 (1977)
Utah Code § 76-10-1227 (2007)

5. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering, or the showing of the female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or the depiction of covered male genitals in a discernibly turgid state.

   Utah Code § 76-10-1201(10) (2013)

6. "Sexual conduct" means acts of masturbation, sexual intercourse, or any touching of a person's clothed or unclothed genitals, pubic area, buttocks, or, if the person is a female, breast, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification.

   Utah Code § 76-10-1201(14) (2013)

7. "Sexual excitement" means a condition of the human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or activity.

   Utah Code § 76-10-1201(15) (2013)

8. "Sadomasochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume or the condition of being fettered, bound, or otherwise physically restrained on the part of a person clothed in this way.

   Utah Code § 76-10-1201(13) (2013)

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9. "Appeals to the prurient interest" means erotic in some significant way to the average person and having the capacity to provoke sexual responses over and beyond those that would be characterized as normal.
10. "Age appropriate" means generally suitable for students of the same age or level of social, emotional, and cognitive development when taking into consideration the ages of all minors who could be exposed to the material.
11. "Instructional materials review committee" means a committee formed at the District or school level, as determined by the Superintendent, appointed as needed and consisting of an administrator or administrators, educators, and at least two parents. An administrator member of the committee shall serve as the committee chair. Parents appointed to an instructional materials review committee shall be reflective of the members of the relevant school community.

Utah Code § 53G-10-103(3) (2022)

Adoption of instructional materials—

Except for adoption of instructional materials within the scope of Policy ECH, the Superintendent or Superintendent's designee shall determine what instructional materials are approved for use in the District or in a particular school in the District, taking into consideration recommendations and requests from District and school administrators and educators. The Superintendent or Superintendent's designee may also solicit recommendations regarding approval of instructional materials to an instructional materials review committee formed for the District as a whole, or for all the schools at a particular level of instruction (elementary, middle school or junior high, or high school), or for a specific school.

Instructional materials which have been designated by the State Board of Education as within any of that Board's "Recommended" categories are approved for use in the District subject to considerations of economy and uniformity in materials within the District or schools. Instructional materials which have been designated by the State Board of Education as "Reviewed, but not recommended" may not be used in the District.

Any instructional materials which have not been designated by the State Board of Education as within any of that Board's "Recommended" categories and have not been designated as "Reviewed, but not recommended" may be approved by the Superintendent for use in the District upon a determination that the materials are appropriate to teach the Utah core requirements. The Superintendent or Superintendent's designee may refer the evaluation of these instructional materials to an instructional materials review committee. In evaluating the materials, the Superintendent, designee, or review committee may consider whether the instructional materials:

1. are consistent with the Utah core requirements;

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2. are mapped and aligned to the Utah core and state assessments (if planned for use as primary instructional materials);
3. are high-quality, research-based, and proven to be effective in supporting student learning;
4. provide an objective and balanced viewpoint on issues;
5. include enrichment and extension possibilities;
6. are appropriate to varying levels of learning;
7. are accurate and factual;
8. are arranged chronologically or systematically, or both;
9. reflect the pluralistic character and culture of the American people and provide accurate representation of diverse ethnic groups;
10. are free from sexual, ethnic, age, gender, or disability bias and stereotyping; and
11. are of acceptable technical quality.

Utah Code § 53E-4-403(4) (2022)
Utah Admin. Rules R277-469-3(2) (January 9, 2018)
Utah Admin. Rules R277-469-6(1) (January 9, 2018)
Utah Admin. Rules R277-469-7(1) (January 9, 2018)

Instructional materials cannot be approved for use in the District or used in District schools if the materials contain any pornographic or indecent material as defined in this policy.

Utah Code § 53G-10-103(2) (2022)

Prior to purchasing primary instructional materials, the District shall require the proposed vendor to provide a detailed core curriculum alignment relating to the materials. Contracts with publishers for purchase of instructional materials shall include National Instructional Materials Accessibility Standard contract language.

Utah Admin. Rules R277-469-7(2), (3) (January 9, 2018)

Review of District-approved instructional materials—

Requests for review of District-approved instructional materials are limited as follows:

1. Personal interest requirement. The following may request review of District-approved instructional materials:
   a. A student currently enrolled in and attending a District school;
   b. A parent or guardian of a student currently enrolled in and attending a District school;
   c. A District employee;
   d. A member of the Board of Education; or

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   e. A current resident of the District.

2. Limits on frequency
   a. Each individual is limited to three requests to review instructional materials per school year.
   b. Any item which has been subject to review, reviewed under this policy, and retained may not be subject to another request for review for at least three years.
3. Preconditions to request for review
   a. Any adult who wishes to file a request for review must first read or review the instructional material as a whole before filing the request (students are not to be required, requested, or encouraged to complete reading or reviewing instructional material in which they have discovered content they believe is sensitive material).

If the requirements and conditions for review are met, an individual who desires review must complete the Request for Review of Instructional Materials form and provide it to the Superintendent or Superintendent's designee. The Superintendent or designee shall make an initial determination whether the form has been fully completed and the requirements for requesting review have been met. If so, the Superintendent or designee shall establish a District instructional materials review committee to conduct the review.

In conducting a requested review, the primary purpose of the District instructional materials review committee shall be to determine whether the item contains pornographic or indecent material. However, the committee may also evaluate whether the instructional materials are age-appropriate and whether the prior approval of the materials should be reconsidered in light of all appropriate factors. The committee's determinations shall be made by majority vote of the members of the committee. Prior to engaging in any discussions with other committee members or participating in any decision making, each committee member shall read the item in its entirety (for written items) or review the item as a whole (for non-written items).

After the chair of the District instructional materials review committee has confirmed that all members of the committee have reviewed the item in question, the chair shall schedule such meetings as are necessary for the committee to discuss the item and make its determinations.

In determining whether the item contains pornographic or indecent material, the committee shall determine whether the material meets any of the four tests for pornographic or indecent material set out in the definition above.

If the committee determines that the item contains pornographic or indecent material, then the item shall be designated as no longer approved for use in the District and removed from District schools. If the committee determines that the item

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does not contain pornographic or indecent material, then the committee may, but is not required to, proceed to other considerations as set out in the following paragraphs.

Utah Code § 53G-10-103(2) (2022)

The committee may elect to evaluate whether the item should be removed from all use or restricted in use based on considerations of age appropriate use. In this evaluation, the committee shall use the definition of "age appropriate" set forth above in light of the prevailing standards in the adult community with regard to what is appropriate for children of that age.

The committee may also elect to reconsider the prior District approval of the item. In doing so, the committee shall consider the factors set forth above for initial approval of instructional materials.

After the committee has made its determinations, it shall prepare a written report which explains its findings and the grounds for its findings. A copy of the report shall be provided to the person who requested the review.

After the committee issues its report, the chair of the committee shall report the results of the review to the Utah State Board of Education using the reporting tool provided by the State Board at this website.

Utah Code § 53G-10-103(4)(b)(iii) (2022)

The determination of the District instructional materials review committee is final and may not be further appealed.

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Request for Review of Instructional Materials

1. Requester: _____ School: _____
   Address: _____ City: _____ Zip: _____
   Email: _____ Phone: _____

2. Qualifying personal interest category or categories: _____

3. Brief statement explaining the request: _____
   _____
   _____

4. Type of material: __ Book (Print) __ E-Book (Digital) __ Audio Book __ Movie __ Magazine
   __ Other Audio Recording __ Digital Resource __ Game __ Newspaper __ Other

5. Title: _____

6. Author or Producer: _____

7. Are you a student? __ Yes __ No (If yes, do not finish reviewing the material)

8. Have you read or reviewed the entire material? __ Yes __ No (Not required of students)

9. Pornographic or indecent material can be found at the following location or locations (page, chapter, link, timestamp, etc.) _____

10. Other reasons (age appropriateness, other) that the item should be removed from use or restricted in use:
    _____
    _____

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____

(Day) (Month) (Year) (City or other location and state/country)

Printed Name_____

Signature_____

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Instructional Resources:
Evaluation and Selection of Library Materials

Definitions—

In addition to the definitions in Policy EEE, the following definitions apply in this policy:

1. "Library material" means any digital media (including audio or visual media) or physical text contained within a school library's collection.

   Utah Admin. Rules R277-628-1(1) (May 24, 2022)

2. "School library" means the location, both physical and virtual, where library materials are housed and administered by professional staff hired to oversee the selection, maintenance, and access to school library materials.

   Utah Admin. Rules R277-628-1(2) (May 24, 2022)

3. "Self-selection" means the right and responsibility of individual students and the student's parent or legal guardian to select materials from a school library.

4. "School library material review committee" means a committee formed at the school level, appointed as needed and consisting of a school administrator or administrators, at least one educator with a master's degree or endorsement in library science, at least one other educator from the school, and at least two parents with students enrolled in and attending the school. An administrator member of the committee shall serve as the committee chair. Parents appointed to a library material review committee shall be reflective of the members of the relevant school community. The school library material review committee considering a particular request may not include either an individual who originally selected the material for inclusion in the library or the individual who has made the request or a family member of the individual making the request.

   Utah Code § 53G-10-103(3) (2022)

5. "District library material review committee" means a committee formed at the District level, appointed as needed and consisting of a District administrator or administrators, at least two educators with a master's degree or endorsement in library science, educators from at least two other schools of the same level (high school, middle or junior high, or elementary) as the school where the request arises, and at least three parents with students enrolled in and attending other District schools of the same level. An administrator member of the committee shall serve as the committee chair. Parents appointed to a District library material review committee shall be reflective of the members of the District community. The District library material review committee considering a particular request may not include a member of the school

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library material review committee who considered the original request, nor may it include either an individual who originally selected the material for inclusion in the library or the individual who has made the request or a family member of the individual making the request.

Utah Code § 53G-10-103(3) (2022)

Policy regarding selection of library materials—

The Board of Education recognizes that it has broad discretion in managing and operating the schools of the District, including in selecting library materials, and that it has delegated authority to District and school administration in this matter. The Board of Education also recognizes the importance of freedom of inquiry and study, the constitutional and First Amendment restrictions on the suppression of ideas, and that school libraries offer a place and opportunity for the exercise of intellectual freedom and the right to read, inquire, study, and evaluate outside of the setting of formal instruction. The Board of Education further recognizes that school libraries are different from public libraries in that they are not open to the public, primarily serve the school's students (who are minors), and are part of the instructional resources of the school. The Board has adopted this policy to serve and balance these interests while taking into account the values of the community.

Selection and deselection of library materials—

The school librarian, subject to the oversight of the principal and working in cooperation with school staff, shall select new library materials taking into consideration the following criteria and subject to the overall requirements that the material is age appropriate and does not include pornographic or indecent material as defined in Policy EEE:

1. Overall purpose and educational significance
2. Contribution and relevance to core standards
3. Teacher, parent, or student request
4. Validity, currency and appropriateness
5. Accuracy, timeliness and permanence
6. Favorable reviews, recommendations and/or award nominees found in standard selection sources or from professional personnel
7. Contributes to a balanced perspective
8. Potential appeal and interest
9. Recreational reading needs of students
10. Artistic quality and literary style
11. Reputation and significance of author, producer, or publisher
12. Value commensurate with cost and/or need

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13. Uniqueness, diversity, and/or heritage of the state, region, or group
14. Support of second language learners
15. Support of special needs students
16. Merit of the work as a whole

The school librarian shall periodically review the library collection to determine which materials should be removed or replaced (deselected). Criteria may include any of the considerations relating to initial section stated above and may also include:

1. Poor physical condition
2. Superseded by more current information or contains subject matter no longer needed to support the core standards
3. Encourages stereotypes or biases
4. Receiving little use
5. Provides wrong, inaccurate, or dated information

Access to library materials—

Student access to library materials is based primarily on self-selection. Library staff are available to consult with students and with the parent or guardian of students to find appropriate materials but are not responsible for final selections of the student. If a student's parent or guardian wishes to restrict that student's access to any particular library item (a specific work or title), the parent or guardian may make a written request to the library staff and the student will then not be allowed to check out that item.

Review of library materials in response to request—

Requests for review of library materials are limited as follows:

1. Personal interest requirement
   a. A student may request review of a particular library item in the library of the school where the student is currently enrolled and attending.
   b. A parent or guardian may request review of a particular library item in the library of any school where a child of the parent or guardian is currently enrolled and attending.
   c. A District employee may request review of a particular library item in the library of a school where the employee has professional responsibilities.
   d. A member of the Board of Education may request review of a particular library item in the library of a school within the local school board district the Board member represents.
2. Limits on frequency

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a. Each individual is limited to three requests to review library materials per school year.

b. Any item which has been subject to review, reviewed under this policy, and retained may not be subject to another request for review for at least three years within the scope of the review conducted (school or District)

3. Preconditions to request for review

a. Any adult who wishes to file a request for review must first read or review the library item as a whole before filing the request (students are not to be required, requested, or encouraged to complete reading or reviewing library material in which they have discovered content they believe is sensitive material).

b. Before filing a request for review regarding a library item, the individual shall first meet with the school librarian, who shall if able explain the intended purpose and use of the item in question.

c. If the librarian is unable to provide this information or the individual is not satisfied with the information provided, the individual shall then meet with the principal (or a school administrator designated by the principal) regarding the concern.

If after meeting with the administrator the individual wishes to request review of the item, the individual shall complete the Request for School Review of Library Materials form and provide it to the principal of the school where the library with the item is located. The principal or principal's designee shall make an initial determination whether the form has been fully completed and the requirements for requesting review have been met. If so, the principal or designee shall establish a school library materials review committee to conduct the review.

An item may not be removed from the library while the review process is pending, though a parent or guardian may restrict his or her child's access to the item by written request to the library.

The sole purpose of the school library materials review committee shall be to determine whether the item contains pornographic or indecent material as defined in Policy EEE. An item may not be removed because of disagreement with the item's content relating to politics, religion, nationalism, or other matters of opinion. The committee's determinations shall be made by majority vote of the members of the committee. Prior to engaging in any discussions with other committee members or participating in any decision making, each committee member shall read the item in its entirety (for written items) or review the item as a whole (for non-written items).

After the chair of the library materials review committee has confirmed that all members of the committee have reviewed the item, the chair shall schedule such meetings as are necessary for the committee to discuss the item and determine whether it contains pornographic or indecent material.

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In determining whether the item contains pornographic or indecent material, the committee shall determine whether the material meets any of the four tests for pornographic or indecent material set out in the definition in Policy EEE.

After the committee has made its determination, it shall prepare a written report which explains its findings and the grounds for its findings. A copy of the report shall be provided to the person who requested the review.

If the committee determines that the item contains pornographic or indecent material, then the item shall be removed from the library permanently or pending the outcome of an appeal from the school library materials review committee to a District library materials review committee. If the committee determines that the item does not contain pornographic or indecent material, then the item shall be retained. A reviewed item which is retained after review for pornographic or indecent material may nevertheless be deselected by the school librarian if the librarian determines that it meets other criteria for deselection.

Utah Code § 53G-10-103(2) (2022)

If no District review is requested as described below, the chair of the school library material review committee shall report the results of the review to the Utah State Board of Education using the reporting tool provided by the State Board at this website.

Utah Code § 53G-10-103(4)(b)(iii) (2022)

Review by District library materials review committee—

An individual who obtained review of an item by a school library materials review committee and who is dissatisfied with the school committee's determination or wishes to have a determination that the item contains pornographic or indecent material applied to all schools in the District may request review by a District library materials review committee. The chair of a school library materials review committee may also, upon a determination that it would be beneficial to have a District-wide determination about whether the item contains pornographic or indecent material, request review by a District library materials review committee.

The individual seeking review by a District library materials review committee shall complete the Request for District Review of Library Materials form and provide it to the superintendent or superintendent's designee. The form must be submitted within 30 days of the report from the school library materials review committee. The superintendent or superintendent's designee shall make an initial determination whether the form has been fully completed and the requirements for requesting review have been met. If so, the superintendent or designee shall establish a District library materials review committee to conduct the review.

The status of the item as determined by the school library materials review committee (retained or removed) shall remain in place during review by the District library materials review committee.

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The sole purpose of the District library materials review committee shall be to determine whether the item contains pornographic or indecent material. However, where the item being reviewed is located in a school serving younger students (an elementary school or a middle school or junior high school) and the concern relates to nudity, the District library review committee may consider whether the item constitutes pornographic or indecent material for older students (students in middle school or junior high or high school as applicable). An item may not be removed because of disagreement with the item's content relating to politics, religion, nationalism, or other matters of opinion. The committee's determinations shall be made by majority vote of the members of the committee. Prior to engaging in any discussions with other committee members or participating in any decision making, each committee member shall read the item in its entirety (for written items) or review the item as a whole (for non-written items).

After the chair of the District library materials review committee has confirmed that all members of the committee have reviewed the item in question, the chair shall schedule such meetings as are necessary for the committee to discuss the item and determine whether it contains pornographic or indecent material.

In determining whether the item contains pornographic or indecent material, the committee shall determine whether the material meets any of the four tests for pornographic or indecent material set out in the definition in Policy EEE (including as appropriate standards relating to nudity with respect to older students). The committee may consider the report of the school library materials review committee but is not bound by that report and is to conduct an independent review and assessment of the item.

After the committee has made its determination, it shall prepare a written report which explains its findings and the grounds for its findings. A copy of the report shall be provided to the person who requested the review.

If the committee determines that the item contains pornographic or indecent material, then the committee shall either direct that the item be removed from all school libraries within the District or, if the committee determines that an item with nudity is not pornographic or indecent material with regard to older students, may limit the removal to school libraries serving elementary and/or middle or junior high schools, according to the committee's determination. If the committee determines that the item does not contain pornographic or indecent material, then the item shall be retained and that determination shall apply to all school libraries within the District. A reviewed item which is retained after review for pornographic or indecent material may nevertheless be deselected by a school librarian if the librarian determines that it meets other criteria for deselection.

Utah Code § 53G-10-103(2) (2022)

After the District library materials review committee issues its report, the chair of the committee shall report the results of the review to the Utah State Board of Education using the reporting tool provided by the State Board at this website.

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Utah Code § 53G-10-103(4)(b)(iii) (2022)

The determination of the District library materials review committee is final and may not be further appealed.

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Request for School Review of Library Materials

1. Requester: _____ School: _____
   Address: _____ City: _____ Zip: _____
   Email: _____ Phone: _____

2. Qualifying personal interest category or categories: _____

3. Brief statement explaining the request: _____
   _____
   _____

4. Type of material: __ Book (Print) __ E-Book (Digital) __ Audio Book __ Movie __ Magazine
   __ Other Audio Recording __ Library Digital Resource __ Game __ Newspaper __ Other

5. Title: _____

6. Author or Producer: _____

7. Are you a student? __ Yes __ No (If yes, do not finish reviewing the material)

8. Have you read or reviewed the entire material? __ Yes __ No (Not required of students)

9. Library materials may only be removed because they contain pornographic or indecent material as defined in District Policy EEE and governing law. Library materials may not be removed because they contain ideas that individuals disagree with based upon politics, nationalism, religion, or other matters of opinion. I acknowledge and understand that the scope of review will be limited to whether the materials contain pornographic or indecent material. Initial: _____

10. The pornographic or indecent material can be found at the following location or locations (page, chapter, link, timestamp, etc.) _____

11. I understand that I must meet the personal interest requirement set out in Policy EEEA in order to obtain review. Initial: _____

12. I have met with the school librarian to discuss the item as required by Policy EEEA. Initial: _____

13. I have made ____ other requests for review of library materials during the current school year.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____

(Day) (Month) (Year) (City or other location and state/country)

Printed Name_____

Signature_____

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Request for District Review of Library Materials

1. Requester: _____ School: _____
   Address: _____ City: _____ Zip: _____
   Email: _____ Phone: _____

2. Qualifying personal interest category or categories: _____

3. Purpose of review: ___ Challenge school review result ___ Extend school review result to all schools

4. Date of school library materials review committee report: _____

5. Type of material: __ Book (Print) __ E-Book (Digital) __ Audio Book __ Movie __ Magazine
   __ Other Audio Recording __ Library Digital Resource __ Game __ Newspaper __ Other

6. Title: _____

7. Author or Producer: _____

8. Are you a student? __ Yes __ No (If yes, do not finish reviewing the material)

9. Have you read or reviewed the entire material? __ Yes __ No (Not required of students)

10. Library materials may only be removed because they contain pornographic or indecent material as defined in District Policy EEE and governing law. Library materials may not be removed because they contain ideas that individuals disagree with based upon politics, nationalism, religion, or other matters of opinion. I acknowledge and understand that the scope of review will be limited to whether the materials contain pornographic or indecent material. Initial: _____

11. The pornographic or indecent material can be found at the following location or locations (page, chapter, link, timestamp, etc.) _____

12. I understand that I must meet the personal interest requirement set out in Policy EEEA in order to obtain review. Initial: _____

13. I have made ____ other requests for review of library materials during the current school year.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____

(Day) (Month) (Year) (City or other location and state/country)

Printed Name_____

Signature_____

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Instructional Resources:
Evaluation and Selection of Classroom Materials

Definitions—

In addition to the definitions in Policy EEE, the following definitions apply in this policy:

1. "Material" means anything which is or may be used as a means of communication, including for example something printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction.

   Utah Code § 76-10-1201(7) (2013)

2. "Classroom material" means instructional material made available to students in a particular class to support student learning and either has not been specifically approved for use by the District under Policy EEE or is not material designated as "recommended limited" or "recommended student resource" by the Utah State Board of Education.

   Utah Code § 53G-10-103(1)(a), (f)(i)(A) (2022)
   Utah Admin. Rules R277-469-2(17), (19) (January 9, 2018)

3. "Classroom material review committee" means a committee formed at the school level, appointed as needed and consisting of a school administrator or administrators, two educators from the school, and at least two parents with students enrolled in and attending the school. For a committee at a middle school or junior high or high school, at least one of the educators shall be licensed in the same area as the educator teaching in the classroom in question. An administrator member of the committee shall serve as the committee chair. Parents appointed to a classroom material review committee shall be reflective of the members of the relevant school community. The classroom material review committee considering a particular request may not include either the educator whose classroom material is in question or an individual who has made the request or a family member of the individual making the request.

   Utah Code § 53G-10-103(3) (2022)

Parental exemption from objectionable classroom materials—

Whether or not an item of classroom materials contains pornographic or indecent material, a parent or guardian may by timely request exempt the child of the parent or guardian from a requirement to read or review an item of classroom material if the parent or guardian finds the material objectionable. In that case, the child shall be provided with an alternate selection without penalty.

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Review of classroom materials in response to request—

Requests for review of classroom materials are limited as follows:

1. Personal interest requirement
   a. A student may request review of classroom materials in a classroom or class where the student is currently enrolled and attending.
   b. A parent or guardian may request review of classroom materials in a classroom or class where a child of the parent or guardian is currently enrolled and attending.
   c. A member of the Board of Education may request review of classroom materials in a classroom or class in a school within the local school board district the Board member represents.
2. Limits on review
   a. Any item which has been reviewed under this policy and retained may not be subject to another review for at least three years.
3. Preconditions to review
   a. Any adult who wishes to file a request for review of an item under this policy must first read or review the material as a whole before filing the request (students are <u>not</u> to be required, requested, or encouraged to complete reading or reviewing material in which they have discovered content they believe is pornographic or indecent material).
   b. Before filing a request for review of an item of classroom material, the individual shall first meet with the educator using the material, who shall if able explain the intended purpose and use of the material in question.
   c. If the educator is unable to provide this information or the individual is not satisfied with the information provided, the individual shall then meet with the principal (or a school administrator designated by the principal) regarding the concern.

If after meeting with the administrator the individual wishes to request review of the item, the individual shall complete the Request for Review of Classroom Materials form and provide it to the principal of the school where the classroom with the material is located. The principal or principal's designee shall make an initial determination whether the form has been fully completed and the requirements for requesting review have been met. If so, the principal or designee shall establish a classroom materials review committee to conduct the review.

In conducting a requested review, the primary purpose of the classroom materials review committee shall be to determine whether the item contains pornographic or indecent material. However, the committee may also evaluate whether the materials are age-appropriate and whether the use of the materials should be reconsidered in light of all appropriate factors. The committee's

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determinations shall be made by majority vote of the members of the committee. Prior to engaging in any discussions with other committee members or participating in any decision making, each committee member shall read the item in its entirety (for written items) or review the item as a whole (for non-written items).

After the chair of the classroom materials review committee has confirmed that all members of the committee have reviewed the item in question, the chair shall schedule such meetings as are necessary for the committee to discuss the item and make its determinations.

In determining whether the item contains pornographic or indecent material, the committee shall determine whether the material meets any of the four tests for pornographic or indecent material set out in the definition in Policy EEE.

If the committee determines that the item contains pornographic or indecent material, then the item shall be designated as no longer approved for use and removed from use. If the committee determines that the item does not contain pornographic or indecent material, then the committee may, but is not required to, proceed to other considerations as set out in the following paragraphs.

Utah Code § 53G-10-103(2) (2022)

The committee may elect to evaluate whether the item should be removed from all use or restricted in use based on considerations of age appropriate use. In this evaluation, the committee shall use the definition of “age appropriate” set forth in Policy EEE in light of the prevailing standards in the adult community with regard to what is appropriate for children of that age.

The committee may also elect to consider whether the use of the materials should be discontinued in light of all appropriate factors.

After the committee has made its determination, it shall prepare a written report which explains its findings and the grounds for its findings. A copy of the report shall be provided to the person who requested the review.

The chair of the classroom materials review committee shall report the results of the review to the Utah State Board of Education using the reporting tool provided by the State Board at this website.

Utah Code § 53G-10-103(4)(b)(iii) (2022)

The determination of the classroom materials review committee is final and may not be further appealed.

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EEEB

Request for Review of Classroom Materials

1. Requester: _____ School: _____
   Address: _____ City: _____ Zip: _____
   Email: _____ Phone: _____

2. Qualifying personal interest category or categories: _____

3. Classroom using materials: _____

4. Brief statement explaining the request: _____
   _____
   _____

5. Type of material: __ Book (Print) __ E-Book (Digital) __ Audio Book __ Movie __ Magazine
   __ Other Audio Recording __ Digital Resource __ Game __ Newspaper __ Other

6. Title: _____

7. Author or Producer: _____

8. Are you a student? __ Yes __ No (If yes, do not finish reviewing the material)

9. Have you read or reviewed the entire material? __ Yes __ No (Not required of students)

10. The pornographic or indecent material can be found at the following location or locations (page, chapter, link, timestamp, etc.) _____

11. Other reasons (age appropriateness, other) that the item should be removed from use:
    _____
    _____

12. I understand that I must meet the personal interest requirement set out in Policy EEEB in order to obtain review. Initial: _____

13. I have met with the educator using the material as required by Policy EEEB. Initial: _____

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____

(Day) (Month) (Year) (City or other location and state/country)

Printed Name_____

Signature_____

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Instructional Resources:
Evaluation of Other Instructional Materials

Definitions—

In addition to the definitions in Policy EEE, the following definitions apply in this policy:

1. "Material" means anything which is or may be used as a means of communication, including for example something printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction.

   Utah Code § 76-10-1201(7) (2013)

2. "Other instructional material" means instructional material made available to students in a school setting but not in a particular classroom or as part of the school library collection.

   Utah Code § 53G-10-103(1)(a), (f) (2022)

3. "School other instructional material review committee" means a committee formed at the school level, appointed as needed and consisting of a school administrator or administrators, two educators from the school, and at least two parents with students enrolled in and attending the school. An administrator member of the committee shall serve as the committee chair. Parents appointed to an other instructional material review committee shall be reflective of the members of the relevant school community. The school other instructional material review committee considering a particular request may not include either an individual who originally selected the material or the individual who has made the request or a family member of the individual making the request.

   Utah Code § 53G-10-103(3) (2022)

4. "District other instructional material review committee" means a committee formed at the District level, appointed as needed and consisting of a District administrator or administrators, educators from at least two other schools of the same level (high school, middle or junior high, or elementary) as the school where the request arises, and at least three parents with students enrolled in and attending other District schools of the same level. An administrator member of the committee shall serve as the committee chair. Parents appointed to a District other instructional material review committee shall be reflective of the members of the District community. The District other instructional material review committee considering a particular request may not include a member of the school other instructional material review

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committee who considered the original request, nor may it include either an individual who originally selected the material or the individual who has made the request or a family member of the individual making the request.

Utah Code § 53G-10-103(3) (2022)

Parental exemption from objectionable materials—

Whether or not an item of other instructional material contains pornographic or indecent material, a parent or guardian may by timely request exempt the child of the parent or guardian from a requirement to read or review the item if the parent or guardian finds the material objectionable. In that case, the child shall be provided with an alternate selection without penalty.

Review of other instructional material in response to request—

Requests for review of other instructional materials are limited as follows:

1. Personal interest requirement
   a. A student may request review of other instructional materials presented in a school where the student is currently enrolled and attending.
   b. A parent or guardian may request review of other instructional materials presented in a school where a child of the parent or guardian is currently enrolled and attending.
   c. A District employee may request review of other instructional materials presented in a school where the employee has professional responsibilities.
   d. A member of the Board of Education may request review of other instructional materials presented in a school within the local school board district the Board member represents.
2. Limits on review
   a. Any item which has been reviewed under this policy and retained may not be subject to another review for at least three years.
3. Preconditions to review
   a. Any adult who wishes to file a request for review of an item under this policy must first read or review the material as a whole before filing the request (students are <u>not</u> to be required, requested, or encouraged to complete reading or reviewing material in which they have discovered content they believe is pornographic or indecent material).
   b. Before filing a request for review of an item of other instructional material, the individual shall first meet with the educator using the material, who shall if able explain the intended purpose and use of the material in question.

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c. If the educator is unable to provide this information or the individual is not satisfied with the information provided, the individual shall then meet with the principal (or a school administrator designated by the principal) regarding the concern.

If after meeting with the administrator the individual wishes to request review of the item, the individual shall complete the Request for Review of Other Instructional Materials form and provide it to the principal of the school where the material is presented. The principal or principal's designee shall make an initial determination whether the form has been fully completed and the requirements for requesting review have been met. If so, the principal or designee shall establish a other instructional materials review committee to conduct the review.

In conducting a requested review, the primary purpose of the other instructional materials review committee shall be to determine whether the item contains pornographic or indecent material. However, the committee may also evaluate whether the materials are age-appropriate and whether the use of the materials should be reconsidered in light of all appropriate factors. The committee's determinations shall be made by majority vote of the members of the committee. An item may not be removed because of disagreement with the item's content relating to politics, religion, nationalism, or other matters of opinion. Prior to engaging in any discussions with other committee members or participating in any decision making, each committee member shall read the item in its entirety (for written items) or review the item as a whole (for non-written items).

After the chair of the other instructional materials review committee has confirmed that all members of the committee have reviewed the item in question, the chair shall schedule such meetings as are necessary for the committee to discuss the item and make its determinations.

In determining whether the item contains pornographic or indecent material, the committee shall determine whether the material meets any of the four tests for pornographic or indecent material set out in the definition in Policy EEE.

If the committee determines that the item contains pornographic or indecent material, then the item shall be designated as no longer approved for use and removed from use. If the committee determines that the item does not contain pornographic or indecent material, then the committee may, but is not required to, proceed to other considerations as set out in the following paragraphs.

Utah Code § 53G-10-103(2) (2022)

The committee may elect to evaluate whether the item should be removed from all use or restricted in use based on considerations of age appropriate use. In this evaluation, the committee shall use the definition of "age appropriate" set forth in Policy EEE in light of the prevailing standards in the adult community with regard to what is appropriate for children of that age.

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The committee may also elect to consider whether the use of the materials should be discontinued in light of all appropriate factors.

After the committee has made its determination, it shall prepare a written report which explains its findings and the grounds for its findings. A copy of the report shall be provided to the person who requested the review.

If the committee determines that the item contains pornographic or indecent material, then the item shall be removed from use permanently or pending the outcome of an appeal from the school other instructional materials review committee to a District other instructional materials review committee. If the committee determines that the item does not contain pornographic or indecent material, then the item shall be retained.

Utah Code § 53G-10-103(2) (2022)

If no District review is requested as described below, the chair of the school other instructional material review committee shall report the results of the review to the Utah State Board of Education using the reporting tool provided by the State Board at this website.

Utah Code § 53G-10-103(4)(b)(iii) (2022)

Review by District other instructional materials review committee—

An individual who obtained review of an item by a school other instructional materials review committee and who is dissatisfied with the school committee's determination or wishes to have a determination that the item contains pornographic or indecent material applied to all schools in the District may request review by a District other instructional materials review committee. The chair of a school other instructional materials review committee may also, upon a determination that it would be beneficial to have a District-wide determination about whether the item contains pornographic or indecent material, request review by a District other instructional materials review committee.

The individual seeking review by a District other instructional materials review committee shall complete the Request for District Review of Other Instructional Materials form and provide it to the superintendent or superintendent's designee. The form must be submitted within 30 days of the report from the school other instructional materials review committee. The superintendent or superintendent's designee shall make an initial determination whether the form has been fully completed and the requirements for requesting review have been met. If so, the superintendent or designee shall establish a District other instructional materials review committee to conduct the review.

The status of the item as determined by the school other instructional materials review committee (retained or removed) shall remain in place during review by the District other instructional materials review committee.

In conducting a requested review, the primary purpose of the District other instructional materials review committee shall be to determine whether the item

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contains pornographic or indecent material. However, where the item being reviewed is located in a school serving younger students (an elementary school or a middle school or junior high school) and the concern relates to nudity, the District other instructional materials review committee may consider whether the item constitutes pornographic or indecent material for older students (students in middle school or junior high or high school as applicable). The committee may also evaluate whether the materials are age-appropriate and whether the use of the materials should be reconsidered in light of all appropriate factors. The committee's determinations shall be made by majority vote of the members of the committee. Prior to engaging in any discussions with other committee members or participating in any decision making, each committee member shall read the item in its entirety (for written items) or review the item as a whole (for non-written items).

After the chair of the District other instructional materials review committee has confirmed that all members of the committee have reviewed the item in question, the chair shall schedule such meetings as are necessary for the committee to discuss the item and make its determinations.

In determining whether the item contains pornographic or indecent material, the committee shall determine whether the material meets any of the four tests for pornographic or indecent material set out in the definition in Policy EEE (including as appropriate standards relating to nudity with respect to older students). The committee may consider the report of the school other instructional materials review committee but is not bound by that report and is to conduct an independent review and assessment of the item.

If the committee determines that the item contains pornographic or indecent material, then the committee shall either direct that the item be removed from all schools within the District or, if the committee determines that an item with nudity is not pornographic or indecent material with regard to older students, may limit the removal to elementary and/or middle or junior high schools, according to the committee's determination. If the committee determines that the item does not contain pornographic or indecent material, then the committee may, but is not required to, proceed to other considerations as set out in the following paragraphs.

Utah Code § 53G-10-103(2) (2022)

The committee may elect to evaluate whether the item should be removed from all use or restricted in use based on considerations of age appropriate use. In this evaluation, the committee shall use the definition of "age appropriate" set forth above in light of the prevailing standards in the adult community with regard to what is appropriate for children of that age.

The committee may also elect to consider whether the use of the materials should be discontinued in light of all appropriate factors.

After the committee has made its determination, it shall prepare a written report which explains its findings and the grounds for its findings. A copy of the report shall be provided to the person who requested the review.

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After the District other instructional materials review committee issues its report, the chair of the committee shall report the results of the review to the Utah State Board of Education using the reporting tool provided by the State Board at this website.

Utah Code § 53G-10-103(4)(b)(iii) (2022)

The determination of the District other instructional materials review committee is final and may not be further appealed.

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Request for Review of Other Instructional Materials

1. Requester: _____ School: _____
   Address: _____ City: _____ Zip: _____
   Email: _____ Phone: _____

2. Qualifying personal interest category or categories: _____

3. Educator using materials: _____

4. Brief statement explaining the request: _____
   _____
   _____

5. Type of material: __ Book (Print) __ E-Book (Digital) __ Audio Book __ Movie __ Magazine
   __ Other Audio Recording __ Digital Resource __ Game __ Newspaper __ Other

6. Title: _____

7. Author or Producer: _____

8. Are you a student? __ Yes __ No (If yes, do not finish reviewing the material)

9. Have you read or reviewed the entire material? __ Yes __ No (Not required of students)

10. The pornographic or indecent material can be found at the following location or locations (page, chapter, link, timestamp, etc.) _____

11. Other reasons (age appropriateness, other) that the item should be removed from use:
    _____
    _____

12. I understand that I must meet the personal interest requirement set out in Policy EEEC in order to obtain review. Initial: _____

13. I have met with the educator using the material as required by Policy EEEC. Initial: _____

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____

(Day) (Month) (Year) (City or other location and state/country)

Printed Name_____

Signature_____

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EEEC

Request for District Review of Other Instructional Materials

1. Requester: _____ School: _____
   Address: _____ City: _____ Zip: _____
   Email: _____ Phone: _____

2. Qualifying personal interest category or categories: _____

3. Purpose of review: ___ Challenge school review result ___ Extend school review result to all schools

4. Date of school other instructional materials review committee report: _____

5. Type of material: __ Book (Print) __ E-Book (Digital) __ Audio Book __ Movie __ Magazine
   __ Other Audio Recording __ Digital Resource __ Game __ Newspaper __ Other

6. Title: _____

7. Author or Producer: _____

8. Are you a student? __ Yes __ No (If yes, do not finish reviewing the material)

9. Have you read or reviewed the entire material? __ Yes __ No (Not required of students)

10. The pornographic or indecent material can be found at the following location or locations (page, chapter, link, timestamp, etc.) _____

11. Other reasons (age appropriateness, other) that the item should be removed from use:
    _____

    _____

12. I understand that I must meet the personal interest requirement set out in Policy EEEC in order to obtain review. Initial: _____

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____

(Day) (Month) (Year) (City or other location and state/country)

Printed Name_____

Signature_____

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Grading:
Progress Reports to Parents

Parent-Teacher Conferences—

A teacher shall schedule one or more conference(s) with the parent(s) of a student if the student is not maintaining passing grades or achieving the expected level of performance, presents some other problem to the teacher or in any other case the teacher considers necessary.

Individualized Student Achievement Report—

The Utah State Board of Education shall develop an individualized student achievement report which includes information on the student's level of proficiency as measured by a statewide assessment; and a comparison of the student's academic growth target and actual academic growth as measured by a statewide assessment. The District shall distribute the individualized student achievement report to the parent of the student to whom the report applies.

Utah Code § 53E-5-211(4) (2021)

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Grading:
Testing Procedures and Standards

Purpose of the Policy—

The Board adopts this policy to provide specific standards and procedures to govern handling and administration of standardized tests. The Board has determined that compliance with this policy is an essential job function of all educators and failure to abide by this policy is grounds for adverse employment action including termination.

Administration of Statewide Assessments—

The District shall administer statewide assessments to all students enrolled in the grade level or course to which the assessment applies, with the following exceptions:

1. The student has been exempted under the procedures set forth in Policy EFBB.
2. A student's IEP team, English Learner team, or Section 504 accommodation plan team shall determine that student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.

Utah Admin. Rules R277-404-5(1) (July 22, 2022)

District Statewide Assessment Plan—

The District shall develop a plan to administer statewide assessments. After considering and making any appropriate changes, the plan shall be submitted to the State Superintendent by September 15 of each year.

The plan shall include:

1. The dates that the District shall administer each statewide assessment;
2. Professional development for an educator to fully implement the assessment system;
3. Training for educators, appropriate paraprofessionals, or third-party proctors in the requirements of assessment administration ethics; and
4. Training for educators and appropriate paraprofessionals in using statewide assessment results effectively to inform instruction.

Utah Admin. Rules R277-404-5(2), (3), (4) (July 22, 2022)

Time Periods for Administering Statewide Assessments—

A District educator, trained employee, or third party proctor shall administer statewide assessments required under Utah Admin. Rule R277-404-5 consistent

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with the schedule established by the State Superintendent and the District's assessment plan.

A District educator, trained employee, or third party proctor shall complete all required assessment procedures before the end of the assessment window defined by the State Superintendent.

If the District requires an alternative schedule with assessment dates outside of the State Superintendent's published schedule, it shall submit the alternative testing plan to the State Superintendent by September 1 annually. The plan shall set dates for assessment administration for courses taught face-to-face or online.

Utah Admin. Rules R277-404-4(3) (July 22, 2022)
Utah Admin. Rules R277-404-5(8), (9), (10) (July 22, 2022)

District Assessment Training—

District assessment staff will use the Standard Test Administration and Testing Ethics Policy in providing training for all assessment administrators and proctors. (This policy can be obtained online at https://schools.utah.gov/assessment or here or from the State Board of Education at 250 East 500 South, Salt Lake City, Utah 84111.)

At least once each school year, the District will provide professional development for all educators, administrators, and assessment administrators (including third party proctors) concerning guidelines and procedures for statewide assessment administration, including educator responsibility for assessment security and proper professional practices.

The District may not release state assessment data publicly until authorized to do so by the State Superintendent.

Utah Admin. Rules R277-404-5(5), (6), (7) (July 22, 2022)
Utah Admin. Rules R277-404-3 (July 22, 2022)

School Responsibilities—

The District, school, or educator may not use a student's score on a statewide assessment (or a student's exemption from taking such an assessment) to prohibit a student from enrolling in an honors, advanced placement, or International Baccalaureate course.

The District and school shall require an educator and assessment administrator and proctor (including a third party proctor) to individually sign the testing ethics signature page provided by the State Superintendent acknowledging or assuring that the educator administers assessments consistent with ethics and protocol requirements.

All educators and assessment administrators shall conduct assessment preparation, supervise assessment administration, and certify assessment results before providing results to the State Superintendent.

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All educators and assessment administrators and proctors shall securely handle and return all protected assessment materials, where instructed, in strict accordance with the procedures and directions specified in assessment administration manuals, District rules and policies, and the Standard Test Administration and Testing Ethics Policy.

Utah Admin. Rules R277-404-6 (July 22, 2022)

District Employee Compliance with Assessment Requirements, Protocols, and Security—

Teachers, administrators, and all District personnel shall not:

1. Violate any specific assessment administrative procedure specified in the assessment administration manual, violate any state or District standardized assessment policy or procedure, or violate any procedure specified in the State Board testing ethics policy;
2. Fail to administer a state required assessment;
3. Fail to administer a state required assessment within the designated assessment window;
4. Submit falsified data;
5. Allow a student to copy, reproduce, or photograph an assessment item or component; or
6. Knowingly do anything that would affect the security, validity, or reliability of standardized assessment scores of any individual student, class, or school.

A school employee or third party proctor shall promptly report an assessment violation or irregularity to a building administrator, the District Superintendent, or the State Superintendent.

An educator who violates this rule or an assessment protocol is subject to Utah Professional Practices Advisory Commission or Board disciplinary action consistent with Utah Admin. Rules R277-217.

All assessment material, questions, and student responses for required assessments are designated protected, consistent with Utah Code § 63G-2-305, until released by the State Superintendent.

The District shall ensure that all assessment content is secured so that only authorized personnel have access and that assessment materials are returned to the State Superintendent following testing, as required by the State Superintendent.

An individual educator, third party proctor, or school employee may not retain or distribute test materials, in either paper or electronic form, for purposes inconsistent with ethical test administration or beyond the time period allowed for test administration.

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Utah Admin. Rules R277-404-8 (July 22, 2022)

Reporting Assessment Results—

UTREx data shall be updated using the processes and according to the schedules determined by the State Superintendent. The District shall ensure that any computer software for maintaining or submitting District data is compatible with data reporting requirements established in R277-484. The District shall ensure that all statewide assessment data have been collected and certify that the data are ready for accountability purposes no later than July 12. The District shall verify that it has satisfied all the requirements of the State Superintendent's directions regarding data exchange and reporting requirements.

Utah Admin. Rules R277-404-9 (July 22, 2022)

Referral to State Board for Violation—

Any employee violating this policy shall be subject to adverse employment action, including, but not limited to, termination of employment, and any such educator shall be referred to the Utah Professional Practices Advisory Commission of the State Board of Education for possible disciplinary action.

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Grading:
Testing Procedures and Standards—Kindergarten Assessment

Administration of Kindergarten Entry and Exit Assessments—

The District shall administer a kindergarten entry assessment approved by the State Superintendent to each kindergarten student sometime during the three weeks before through the three weeks after the first day of kindergarten. The District shall administer a kindergarten exit assessment approved by the State Superintendent sometime during the four weeks before the last day of school. The District shall submit to the Data Gateway the entry assessment data by September 30 and the exit assessment data by June 15.

Utah Admin. Rules R277-489-3 (May 11, 2022)

Use of Entry and Exit Assessment Data—

The District may use kindergarten entry and exit assessment data to:

1. provide insights into current levels of academic performance upon entry and exit of kindergarten;
2. identify students in need of early intervention instruction and promote differentiated instruction for all students;
3. understand the effectiveness of programs such as extended-day kindergarten and preschool;
4. provide opportunities for data-informed decision making and cost-benefit analysis of early learning initiatives;
5. identify effective instructional practices or strategies for improving student achievement outcomes in a targeted manner; and
6. understand the influence and impact of full-day kindergarten on at-risk students in both the short and long term.

The District may not use kindergarten entry and exit assessment data to:

1. justify early enrollment of a student who is not currently eligible to enroll in kindergarten, such as a student with a birthday falling after September 1;
2. evaluate an educator's teaching performance; or
3. determine whether a student should be retained or promoted between grades.

Utah Admin. Rules R277-489-4 (May 11, 2022)

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Grading:
Testing Procedures and Standards—Exclusion from Testing

Parental Right to Exempt Students from State Required Assessments—

A parent has the right to exempt the parent's student from a statewide assessment. A student who is exempted from a statewide assessment may not be penalized (put in an unfavorable position or at a disadvantage) because of the exemption. This policy sets forth the required procedure for exemption and addresses related matters. The District may establish its own policy with regard to any assessments which are required by the District but are not statewide assessments, including whether a student can be exempted from District assessments and what consequences there are for taking or failing to take such an assessment.

Utah Admin. Rules R277-404-7(1), (2), (6) (July 22, 2022)

Exception Regarding Basic Civics Test—

A student must pass the basic civics test in order to receive a high school diploma, as provided in Utah Code § 53E-4-205(2) and Utah Administrative Rules R277-700-8(2)(b)(i). A parent may exempt the parent's student from taking the basic civics test, but the student may not graduate without successfully completing that test requirement, notwithstanding the prohibition on penalizing a student exempted from state required assessments.

Utah Admin. Rules R277-404-7(3)(c) (July 22, 2022)
Utah Admin. Rules R277-700-8(2) (August 12, 2021)
Utah Code § 53E-4-205(2) (2021)

Exemption Procedure—

To exempt a student from one or more statewide assessments, the parent shall, on an annual basis, fill out the Parental Exclusion from State Assessment form and deliver it to the principal or the District at least one day before the beginning of any assessment from which the student is to be exempted. (In the discretion of the District, and upon parental request, the District may exempt a student from a statewide assessment when the form is delivered less than a day before the assessment begins.) The form may be delivered by email, mail, or in person. The form is available at https://schools.utah.gov/assessment. (The District may create a District-specific form if that form lists the District required assessments from which the student may be exempted and the form also contains the information described in the Parental Exclusion from State Assessment form.)

Utah Admin. Rules R277-404-7(4) (July 22, 2022)

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Additional Requirements—

The following standards apply to parental exemptions:

1. Students may not be given nonacademic rewards for participation in a statewide assessment or for performance on a statewide assessment. Teachers may use student scores on statewide assessments to improve the student's academic grade or to demonstrate the student's competency within a relevant course.
2. A teacher, principal, or other District administrator may contact a parent to verify that the parent submitted a Parental Exclusion from State Assessment form.
3. A parent may be requested, but may not be required, to meet with a teacher, principal, or other District administrator regarding the parent's request to exclude the parent's student from taking a statewide assessment.
4. The student's parent shall, consistent with the protection of student privacy, be provided the student's individual test results and scores.
5. If a student who has been exempted from participating in a statewide assessment is in attendance during test administration, the student shall be provided with an alternative learning experience.
6. A student who has been exempted from participation in a statewide assessment may be allowed to be physically present in the room during test administration.

Utah Admin. Rules R277-404-7(5), (7) to (11) (July 22, 2022)
Utah Code § 53E-4-303(4)(b) (2021)
Utah Code § 53E-4-304(3) (2019)
Utah Code § 53E-4-305(4) (2019)

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Grading:
Participation of Private and Home School Students in Statewide Assessments

Home School Student Participation—

Home school students who are Utah residents may participate in statewide assessments in the District when convenient to the student's circumstances and subject to the following requirements:

1. The student must have satisfied the home school requirements set forth in Policy FBB and Utah Code § 53G-6-204.
2. The home school student must pay charges or fees for the testing on the same basis that students enrolled in the school must pay charges or fees.
3. The District shall determine in which school(s) qualifying home school students will take statewide assessments.
4. The District may require parent or adult participation in administration of statewide assessments on behalf of home school students, as appropriate.

Upon request of a home school student or the student's parent or guardian, the District shall provide a copy of the schedule of statewide assessment dates, the locations at which home school students may be tested, and the District's policies relating to home school student participation in statewide assessments. Home school students who desire to participate in a particular statewide assessment must make the request in writing at least _____ days before the test date. The District shall respond in writing to the request at least ____ days following the receipt of the request. Where the request to participate is approved, the District shall provide written notice to the home school student and his or her parent or guardian of testing rules, including required identification and proof of residency for adults and students and implements or materials that the home school student may or may not bring or use for the test.

Utah Admin. Rules R277-604-4 (May 26, 2020)

Private School Student Participation—

Private school students who are Utah residents may be allowed by the District to participate in statewide assessments administered in the District subject to the following conditions:

1. The private school student's school must request permission from the District on behalf of the student to participate.
2. The student or private school must pay, in advance, the full cost to the District of administering the testing. These testing costs include costs for materials, scoring, reporting, and State-related costs.

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3. The District shall determine in which school(s) private school students may take statewide assessment.
4. The District shall determine the limits, if any, of numbers of non-public school students that can be accommodated by the school.
5. The District may require the participating private school to provide administrators to participate in monitoring or proctoring tests, as appropriate.

Upon request of a private school to whose students the District is administering assessments, the District shall provide the private school a copy of the schedule of statewide assessment dates, the locations at which private school students may be tested, and the District's policies relating to private school student participation in statewide assessments. Private schools which desire to have their students participate in a particular statewide assessment must make the request in writing at least _____ days before the test date. The District shall respond in writing to the request at least ____ days following the receipt of the request. Where the request to participate is approved, the District shall provide written notice to the private school of testing rules, including required identification and proof of residency for staff and students and implements or materials that the private school or student may or may not bring or use for the test.

Private school students who are not Utah residents may participate in U-PASS testing only upon payment, in advance, of the full cost of the individual assessments.

Utah Admin. Rules R277-604-3 (May 26, 2020)

Bureau of Indian Education Schools Administrator Training—

The administrators of Bureau of Indian Education (BIE) schools are responsible to meet statewide assessment requirements relating to the students in their schools. The District shall provide materials and training to administrators of BIE schools within the District on the schedule which applies to the District. The District shall notify administrators of BIE schools located in the District of all information and training on statewide assessments provided by the District.

Utah Admin. Rules R277-604-5 (May 26, 2020)
Utah Admin. Rules R277-604-6 (May 26, 2020)

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Grading:
Course Grade Forgiveness

Definitions—

The following definitions apply within this policy:

1. "Comparable course" means a course that fulfills the same graduation credit requirements as a course for which a student seeks to improve a grade.
2. "Course" means a course that a student is enrolled in and either completes or withdraws from but still receives a grade.
3. "Highest grade" means a grade that reflects the higher grade of (a) a course and a repeat of the course or (b) a course and a comparable course.
4. "Recurring course" means a course that a student takes more than once to (a) further the student's understanding and skills in the course subject (such as journalism or band), or (b) satisfy a different credit requirement that the course may fulfill, such as an art class that fulfills an elective requirement and an art requirement.
5. "Student" means an individual enrolled in the District in grade 9, 10, 11, or 12.

Utah Admin. Rules R277-717-2 (March 14, 2018)

Course Grade Forgiveness—

A student may, to improve a course grade received by the student, repeat the course one or more times or enroll in and complete a comparable course. A grade for an additional unit of a recurring course does not change a student's original course grade under this policy.

Repeating a Course

If a student repeats a course, the District:

1. Shall adjust, if necessary, the student's course grade and grade point average to reflect the student's highest grade and exclude a lower grade.
2. Shall exclude from the student's permanent record the course grade that is not the highest grade.
3. May not otherwise indicate on the student's current record that the student repeated the course.

Improving a Grade with a Comparable Course

In order to improve a grade under this policy through completion of a comparable course, the student must inform the District at the time of enrollment in the comparable course of the intent to enroll in the course for improving a course grade. Upon receiving such notice, the District shall confirm whether the comparable

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course fulfills the same credit requirements as the course that the student intends to replace. Subject to that determination, the District shall, upon enrollment in the comparable course, update the student's current record and grade point average to reflect the highest grade between the course and the comparable course and exclude the lower grade and corresponding course. The District may not otherwise indicate the course or comparable course for which the student did not receive the highest grade on the student's record.

Utah Admin. Rules R277-717-3 (March 18, 2018)

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Guidance:
Individual Learning Plan/Plan for College and Career Readiness

[The statute requires the District to establish policies regarding individual learning plans and plans for college and career readiness in consultation with school personnel, parents, and school community councils or similar groups. Therefore, this policy is intended as a basis for discussions of what an SEP policy adopted by the District might be after such discussions with the community council, if any, faculty groups, students, and the state board.]

Utah Code § 53E-2-304(2)(b)(ii) (2019)

Definitions

Plan for College and Career Readiness—

"Plan for College and Career Readiness" means a plan developed by a student and the student's parent, in consultation with school counselors, teachers, and administrators that:

1. is initiated at the beginning of grade 7;
2. identifies a student's skills and objectives;
3. maps out a strategy to guide a student's course selection; and
4. links a student to post-secondary options, including higher education and careers.

Utah Code § 53E-2-304(2)(b)(i) (2019)

School manager—

The Principal or a member of the faculty of the school appointed to that position by the Principal shall be the School Manager.

Individual Learning Plan file—

An Individual Learning Plan ("ILP") means a personalized student education plan. The ILP file shall be a separate file maintained by the school for each student which shall include the ILP and supporting documents. It may contain a separate division for each school year, but ILP records for prior years at that school shall be available to participants in the ILP process. It should include a copy of the registration of the student for each school term showing the classes for which the student has registered, the names of teachers of the classes and telephone numbers at which participants in the ILP process may reach the teachers of each class, and each report card issued by the school, and names, addresses and telephone numbers of all the participants in the ILP process.

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Small group conference—

Small-group Conference is a meeting at which students, parents or guardians, and guidance counselors and teachers are invited to attend and the number of students invited does not exceed five.

ILP participation—

The Participants in the ILP process are, with respect to a student, the student, the student's parent or guardian and the teacher, guidance counselor or other member of school personnel who has the assignment of participating in the preparation or maintenance of that student's ILP.

Policy

Background—

The Legislature has required the District to establish policies, in consultation with school personnel, parents, and school community councils or similar entities to provide for the effective implementation of an ILP for each student at the school site. The Board has consulted with its personnel, with parents, and with school community councils or like entities to the extent that such entities operate within the district and hereby adopts the following policies.

ILP conferences—

Each school shall offer its students at least one ILP conference per year at which the ILP of the child may be established and reviewed jointly by the teacher, parent or guardian, and student. This conference may be at the time usually set aside for parent-teacher conferences.

Small group conferences—

Each school may also, as it is deemed appropriate, schedule small group conferences for classes or categories of students.

Additional parent conferences—

A parent may also request conferences with school personnel in addition to ILP or Plan for College and Career Readiness conferences established by District policy.

Template ILP—

The school may adopt a template ILP which sets forth the minimum standard school program and general guidelines required of all students. This template shall be supplemented by the teacher, parent or guardian and student. From grades 9-12 it is the responsibility of the student to prepare the ILP, in consultation with a school counselor or teacher and with the student's parent or guardian.

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Purpose of the ILP—

The purpose of the ILP is not to provide a binding agreement between the student and the student's parent or guardian and the school, but rather to express the needs and aspirations of the student, to mobilize the resources of the school to help the student reach the objectives required by the minimum school program and by the ILP and to set forth objectives desirable for the benefit of the student. Therefore, the ILP may include objectives which are beyond the means or resources of the school. With the objectives stated in the ILP should be included activities and means helpful for implementing the objectives, which may include (1) programs available at school and (2) resources and activities not available through school but which must be provided independently by parents and guardians, or by students, or from other sources beside those of the school.

Guidelines and expectations—

In addition to the minimum standard school program and guidelines expected of all students, each ILP shall include information gathered for the purpose of recognizing the strengths and achievements of the student and shall include a record of the student's progress toward the objectives of the ILP. This information may be collected in narrative or journal form, or in the form of records of scores on tests and grades earned in classes, or in any other form which is found to be useful, and shall be available to all the participants in the ILP process upon reasonable notice. A member of the school staff, whether teacher, guidance counselor, or administrator, who is charged with participating in the ILP process for a student shall become acquainted with the student well enough to participate effectively in that process and shall exert his or her effort to recognize the students accomplishments and strengths, to assist in planning, monitoring and managing the education and career development of the student and to participate in an ongoing partnership with the student and parent or guardian, including attendance at ILP conferences.

Implementation of the ILP process—

Each school shall conduct training in the ILP process so that staff members participating in the process will have a repertoire of skills to deal with the problems that arise in the process of developing and implementation of the ILP. This training will be included in the in-service training program at the school. The school shall make available to its staff the inventory of working Plans for College and Career Readiness prepared by the State Board of Education. Requests for resources arising from the ILP process not readily identified by the participants in the offerings of the school shall be referred to the Principal, who will have responsibility to consider requests for resources, and who shall have responsibility to coordinate time, training and assignment of school personnel for such purposes, in consultation with the faculty of the school, and who shall have authority to decide whether the school has the means to make an effort to achieve the objective in question. It is expected that the ILP process may take time from other school activities which the Principal shall authorize in his or her discretion.

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College and career preparation—

A participant in the ILP process may suggest occupational and post-secondary education objectives that may be incorporated into the ILP. An ILP which incorporates occupational and post-secondary education objectives (thus making it a Plan for College and Career Readiness) should be reviewed by a school staff member who has the assignment of assisting students with career or occupational preparation who should be added to the group of participants in the process of that ILP. Resources in the community, such as work/study programs, may be added to the ILP to assist with occupational objectives. Individual schools may enter into partnerships with private business to obtain additional resources for technology programs intended to assist students in preparation for occupations.

Reporting—

The Legislature has required the District and each school to make an annual report to its patrons on its activities under Utah Code § 53E-2-304(4) which includes the ILP process. The reporting process shall involve participation from teachers, parents, and the community at large in determining how well the District or school is performing.

Utah Code § 53E-2-304(4)(a) (2019)

Privacy—

The ILP file is a private file and shall be made available only to participants in the ILP process without obtaining appropriate consents from students and their parents or guardians. Portions of confidential documents not usually disclosed to one or more of the participants in the ILP process may be included in the ILP file with the consent of school personnel charged with protecting the privacy of those affected by the document and after obtaining consents of other affected parties, if necessary.

It is not the Board's intention to waive any of its rules governing privacy in this connection. It is the Board's intention that the ILP file be as complete as possible without reference to other documents outside the file. The ILP file should therefore not contain any documents by reference from other school archives.

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Graduation:
Graduation Requirements

Diploma or Certificate of Completion—

The District will award a diploma or certificate of completion to students who complete the requirements as follows:

1. High School Diploma
   a. Successful completion of the core curriculum and all state course requirements.
   b. Successful completion of ___ credits beyond the core curriculum as required by District policy.
2. Certificate of Completion
   a. Completion of senior year;
   b. Exiting or aging out of the school system; and
   c. Have not met all state or District requirements for a diploma

Utah Admin. Rules R277-705-4 (February 28, 2018)

Adult education students will be awarded diplomas as set forth in Policy EHE.

Special Education Students—

Special education students shall satisfy high school completion or graduation criteria, consistent with state and federal law and the student's IEP. Such students may be awarded a certificate of completion or a diploma as set forth above, consistent with state and federal law and the student's IEP or Section 504 plan.

Utah Admin. Rules R277-705-4 (February 28, 2018)

A student with a significant cognitive disability may be awarded an alternate diploma if the student accesses grade-level Core standards through the Essential Elements, the student's IEP team makes graduation substitutions in the same content area from a list of alternative courses approved by the State Superintendent, and the student meets all graduation requirements prior to exiting school at or before age 22. An alternate diploma may not indicate that the recipient is a student with a disability. Notwithstanding the award of an alternate diploma, the District may still be obligated to provide FAPE to an eligible student in accordance with IDEA.

Utah Admin. Rules R277-705-5 (February 28, 2018)

Methods of Obtaining Credit—

Credits towards graduation may be obtained and recorded on the student's transcript by the following methods:

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1. Successful completion of courses in the high schools of the District.
2. Successful completion of concurrent-enrollment college courses.
3. Satisfaction of coursework by demonstrated competency under policies established by the District following appropriate review.
4. Successful completion of assessment tests in particular subject areas, as established by District policy.
5. Evaluation of student work or projects consistent with District or school procedures and criteria.
6. Successful completion, as determined by the District or school, of correspondence or electronic coursework with prior approval by the District or school to the extent practicable.
7. Transfer credits awarded to a student by a school or provider accredited by an accrediting entity adopted by the State Board of Education, which credits shall be accepted as issued by the school, without alteration.

Before reviewing a student's home school or competency work, assessment, or materials with regard to a request for credit, the District shall require documentation of compliance with Utah Code § 53G-6-204 (relating to excuse from compulsory school attendance).

[Note: The District is required to establish a policy explaining the process and standards for acceptance and reciprocity of credits earned and must do so in an open meeting.]

Utah Admin. Rules R277-705-3 (February 28, 2018)
Utah Code § 53G-7-206 (2019)

Notice of Credit Requirements—

Each school within the District shall provide to the parent(s) or legal guardian(s) of each student enrolling in the school specific and adequate notice of the District's requirements and limitations for awarding credit, including credits transferred from other schools or education providers and credits awarded from other sources under this policy.

Utah Admin. Rules R277-705-3(1)(b) (February 28, 2018)

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Graduation:
Graduation Attire

Definitions—

1. "Graduation ceremony" means a high school graduation ceremony.
2. "Graduation attire" means the attire that is required to be worn by students at a graduation ceremony, according to the dress code established by the District and an individual high school.
3. "Tribe" means a tribe, band, nation, or Alaskan Native village that is recognized by federal law or formally acknowledged by a state.
4. "Tribal regalia" means a tribe's traditional dress or recognized objects of religious or cultural significance, including tribal symbols, beads, and feathers.
5. "Qualifying student" means a student who is enrolled as a member of a tribe or eligible to be so enrolled.

Utah Code § 53G-4-412(1) (2022)

General Graduation Attire—

Except as provided below, graduating students shall comply with the graduation attire and other dress code requirements of the student's high school and the District.

Qualifying Students May Wear Tribal Regalia—

Any qualifying student may wear tribal regalia during a graduation ceremony, including decorating the student's other graduation attire with tribal regalia, notwithstanding any provision or policy of the high school conducting the ceremony or any other dress code policy.

Utah Code § 53G-4-412(2), (3) (2022)

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Graduation:
Citizenship Graduation Requirements—(Optional)

Core Graduation Requirements—

To graduate and earn a high school diploma or certificate of completion, each student must satisfy the following requirements in addition to the state and District academic requirements for the diploma or certificate.

Citizenship Requirements—

Each student must earn and maintain a minimum cumulative Citizenship Grade Point Average of at least 2.0 for grades 9-12. The citizenship grading shall be based on the following scale:

4.0 Honor

3.0 Good

2.0 Satisfactory

1.0 Poor

0.0 Failure

Students will be given a citizenship grade in each class. The expected behaviors will be stated by each teacher at the beginning of each course, clearly defining behavior that is considered poor or failing.

Remediation of Unsatisfactory Citizenship Point Average—

At the end of each year, students who fail to maintain a minimum 2.0 cumulative citizenship point average will be notified that graduation is in jeopardy. The parent(s) and/or guardians and the student must meet with the vice-principal to establish a written citizenship remediation program designed to achieve an acceptable cumulative citizenship point average.

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Graduation:
Middle School Graduation Requirements

Purpose of the Policy—

To ensure that students achieve minimum academic proficiencies and to meet the requirements of state law requiring students to attain the competency levels and graduation requirements established by law. The Board adopts this policy as a directive to each middle school in the District.

Remediation—

Each middle school in the District shall establish a remediation program that is mandatory for any student who fails to meet the competency levels based on classroom performance in English, mathematics, science, and social studies.

Advancements in Grade—

Students who require remediation may not be advanced to the following class in subject sequences until they meet the required competency level for the subject or complete the required remediation program. However, students who would otherwise be scheduled to enter their first year of high school may be allowed to proceed to high school to complete their remediation program during the first year of high school.

Scope of Remediation—

Remediation courses shall not be unnecessarily repetitive or lengthy. A student need not repeat an entire class if remediation can be achieved reasonably through other means.

A fee may be charged to students to participate in remediation programs.

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Graduation:
Adult Education Graduation

[Utah State Board of Education regulations permit Districts to determine whether adult education students may participate in graduation ceremonies and activities. The options set out in this model policy reflect the different choices that a district may take relating to participation in graduation activities).]

Adult Education Diplomas—

The District will award an Adult Education Diploma to each adult education student who successfully completes the requirements established by the District within the time requirements for that completion. This diploma may not be upgraded or changed to a traditional, high-school specific diploma.

Utah Admin. Rules R277-705-7 (February 28, 2018)

[Option A]

Adult Education Student Participation in Graduation Ceremonies—

Adult education students do not participate in graduation activities and ceremonies for high school students in the District. The District may conduct separate graduation activities and ceremonies for adult education students.

[Option B]

Adult Education Student Participation in Graduation Ceremonies—

Adult education students who have successfully completed the requirements for an adult education diploma since the last high school graduation ceremony for the high school in the attendance area where the adult education student resides may participate in the graduation activities and ceremonies for that high school.

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Equal Educational Opportunities

General—

The Board of Education of the _____ School District does not discriminate on the basis of sex in its programs and activities and is required by Title IX and 34 CFR Part 106 not to discriminate on the basis of sex, including but not limited to such discrimination in admission and employment.

Notice of this policy shall be given to all students seeking admission and their parents and shall be included in student handbooks. Questions about rights under Title IX and about the application of Title IX to the District can be directed to the Title IX Coordinator identified in this policy or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

34 CFR § 106.8(b)(1)
20 U.S.C. § 1701-21

No officer or employee of the District, when acting or purporting to act in official capacity, shall refuse to permit any student to participate in any school program because of the student's race, color, creed, sex, national origin, marital status, political or religious belief, physical or mental condition, family, social, or cultural background, or sexual orientation.

Utah Admin. Rules 277-515-3(6)(c) (December 1, 2017)

The District encourages all victims of sex discrimination and persons with knowledge of sex discrimination to immediately report that to the Title IX Coordinator or an administrator. All complainants have the right to be free from retaliation of any kind. Complaints relating to sexual harassment (one form of sex discrimination) are addressed under Policy FHAB and Policy DKB. Complaints regarding other types of sex discrimination may be addressed through the grievance procedures set out in Policy FGE (for students) and Policy DHC (for employees).

34 CFR § 106.8(c)

Title IX Coordinator—

The District shall designate one or more employees to serve as Title IX Coordinator. The Title IX Coordinator is responsible and has authority to coordinate the District's compliance with Title IX, including but not limited to responding to complaints of sex discrimination. The designated Title IX Coordinator for the District is: _____. The contact information for the Title IX Coordinator is:

Name_____ Title/Position_____

Mailing Address_____

Office Email _____ Telephone_____

Reports about any form of sex discrimination (including sexual harassment) may be made to the Title IX Coordinator by any person (whether or not the

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discrimination was directed at that person) using any of the contact methods listed above or by any other means and at any time (including during non-business hours).

34 CFR § 106.8(a)

Retaliation Prohibited—

It is prohibited to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing relating to any type of sex discrimination. Prohibited retaliation includes acting with the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy by intimidation, threats, coercion, or discrimination. If brought for the purpose of interfering with these rights, prohibited retaliation includes charges against an individual for violations that do not involve sex discrimination but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment. Reports of retaliation should be made to the Title IX Coordinator designated in this policy. Complaints regarding retaliation against a student may be raised under Policy FGE or as applicable under Policy FGAD or regarding retaliation against an employee under Policy DHC or as applicable under Policy DLA or Policy DLB.

34 CFR § 106.71(a)

Confidentiality—

Except to the extent required to appropriately respond to complaints of sex discrimination, or as required by law, the District shall keep confidential the identity of (a) any individual who reports or complains of sex discrimination (including filing a formal complaint), (b) any individual reported to have perpetrated sex discrimination, and (c) any witness regarding sex discrimination. Except to the extent that maintaining confidentiality would impair the District's ability to provide supportive measures, the District shall keep confidential any supportive measures provided to a complainant or accused individual. (In appropriately responding to complaints of sex discrimination, the District may need to disclose the identity of individuals for purposes of an appropriate investigation and following the grievance process or for purposes of appropriate supportive measures.) Disclosure is also allowed to the extent permitted by FERPA and its implementing regulations.

34 CFR § 106.71(a)
34 CFR § 106.30(a)

Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate authorities and the confidentiality of the information will be maintained as required by Utah Code § 80-2-1005. (See Policy DDA.)

Utah Code § 80-2-602 (2022)
Utah Code § 80-2-1005 (2022)

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Students With Disabilities—

The District shall provide a free appropriate public education to all qualified students with disabilities who are residents of the District between the ages of three and twenty-two who have not graduated from high school, including regular or special education and related services designed to meet the individual educational needs of each qualified student with a disability, regardless of the nature or severity of the disability, as adequately as the needs of students without disabilities.

34 CFR § 104.33
Utah Code § 53E-7-201 (2022)
Utah Code § 53E-7-202 (2019)
Utah Code § 53E-7-207 (2022)

Dissemination of Policy—

Notice of this policy and of the name and contact information of the Title IX Coordinator shall be provided to applicants for admission or for employment, students, parents of students, employees, and employee associations. The contact information for the Title IX Coordinator shall be prominently displayed on the District's website and in student admission materials and employment application materials. In addition, a copy of this policy shall be published on the District website and included in student admission materials, in employment application materials, in student handbooks, and in materials provided to employees. A copy of this policy shall also be provided to the appropriate officer of each employee association.

34 CFR § 106.8(b)(2), (c)

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Evaluation of Interscholastic Athletic Participation

Definitions—

1. "Interscholastic sport" means an activity in which a student represents the student's school in the sport in competition against another school.
2. "Gender-designated interscholastic sport" means an interscholastic sport that is specifically designated for female or male students.
3. "Title IX" means Title IX of the Education Amendments of 1972, as codified at 20 U.S.C. § 1681 et seq.

Utah Code § 53G-6-1101 (2022).

Report on Interscholastic Sports—

Before the beginning of each academic year, the athletic director or another designated administrator from each school in the District which sponsors or offers an interscholastic sport shall provide the Board of Education with a report regarding the interscholastic sports available at the school, including both gender-designated interscholastic sports and interscholastic sports which are designated as mixed. The report shall include the interscholastic sports designated by the Utah High School Activities Association ("UHSAA") as girls sports, boys sports, and mixed sports, but shall also include any interscholastic sports that are not regulated by UHSAA. The report shall include:

1. the number of students participating in each interscholastic sport, categorized by gender;
2. the amount of spending that the school devotes to each gender-designated interscholastic sport (in total and on a per-student basis);
3. the amount of spending that the school devotes to each interscholastic sport which is not gender-designated (in total and on a per-student basis);
4. a comparison and evaluation of designated practice and game locations for each interscholastic sport, including comparisons between similar gender-designated interscholastic sports; and
5. information regarding the school's efforts to comply with Title IX nondiscrimination requirements as those apply to interscholastic sports.

If the report data indicate that there is an overall discrepancy in participation of 10% or greater between the school's male-designated interscholastic sports and the school's female-designated interscholastic sports, the report shall also include an action plan developed by the school to address the discrepancy.

Utah Code § 53G-6-1101(2) (2022)
Utah High Schools Activities Association Handbook 2021-2022 pg. 61

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Board Review of Reports—

The Board of Education shall review each report it receives from schools on interscholastic athletic sports in a public board meeting.

Utah Code § 53G-6-1101(3) (2022)

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Transgender Students

Definitions—

1. "Assigned gender." This is the gender designated at the time of birth and may also be thought of as the gender corresponding to the individual's original physiology, or biological gender.
2. "Gender identity." This is the individual's internal sense of gender, and "identified gender" refers to the gender that matches this internal sense. Gender identity can be shown by information including but not limited to medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity, or other evidence that the gender identity is sincerely held, part of a person's core identity, and not being asserted for an improper purpose.
3. "Gender expression" means the external cues or indications used to communicate gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.
4. "Transgender" means that an individual's assigned gender differs from the individual's gender identity.
5. "Transgender boy" (or "transgender man") is an individual whose assigned gender is female but whose gender identity is male.
6. "Transgender girl" (or "transgender woman") is an individual whose assigned gender is male but whose gender identity is female.

Utah Code § 34A-5-102 (1)(o) (2016)
In re Childers-Gray, 2021 UT 13, ¶ 5 & n.7, 487 P.3d 96

Records and References—

The official records of the student shall reflect the student's legal name and gender, which is the name and gender listed on the student's birth certificate or as changed by court order. Access to this portion of official student records shall be restricted to maintain the confidentiality of a student's transgender status.

Utah Code § 26-2-11 (1995)
Utah Code § 42-1-1 (1933)

The unofficial records of the student shall reflect the preferred name and gender identity of the student. Students shall be addressed or referred to by the pronouns associated with the identified gender: transgender boys shall be referred to using "he" "his" and "him" and transgender girls shall be referred to using "she" and "her."

A student's transgender status shall not be disclosed without the student's consent except as expressly authorized by the superintendent following such legal consultation as the superintendent determines is appropriate.

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Facilities—

In determining which gender-segregated school facilities (restrooms and locker rooms) are to be used by transgender students, the school administrator shall take into consideration the desires of the individual transgender student and of the student's parents as well as the privacy interests of other students. In addition to having the transgender student use the facilities corresponding with the gender identity, potential accommodations include use of single user restrooms or changing spaces or using facilities at a different time than other students. If the desired use by the transgender student is in significant conflict with privacy interests of other students, the school administrator should consult with the superintendent and as appropriate with legal counsel.

Classes and Activities—

When classes or intramural activities are segregated by gender, transgender students are to be grouped according to the student's gender identity. Where students are grouped according to qualities which may have some association with gender (such as vocal quality for singing groups), the pertinent quality shall be evaluated without regard to assigned gender or transgender status. Where school activities involve overnight travel, lodging arrangements for transgender students shall take into consideration the desires of the individual transgender student and of the student's parents as well as the privacy interests of other students. If the arrangement desired by the transgender student is in significant conflict with privacy interests of other students, the school administrator should consult with the superintendent and as appropriate with legal counsel.

UHSAA Extracurricular Activities—

Participation by students in non-athletic activities under the oversight of the Utah High School Activities Association is subject to UHSAA rules and policies. Therefore, participation of transgender students in such activities shall be governed by those rules and policies. Participation by transgender students in interscholastic athletic activities shall be according to Policy FABA.

Utah High Schools Activities Association Handbook 2021-2022, Interps. & Guidelines 1.1.4

Bullying and Harassment—

Policy FGAD, which prohibits bullying, cyberbullying and harassment regardless of the motivation for such misconduct, applies to prohibit bullying, cyberbullying or harassment of students because of their transgender status or gender expression. When the parent of a transgender student is given the required notification of a bullying or harassment incident against a transgender student which is motivated by transgender status or gender expression, care should be taken to avoid disclosing the student's transgender status to the student's parents if the student has not consented to such disclosure.

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When a student has been bullied, cyberbullied, or harassed because of the student's transgender status or gender expression, consideration should be given to what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.

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Participation in Sex-Designated Athletic Activities and Teams

Definitions—

1. "Sex" means the biological, physical condition of being male or female, determined by an individual's genetics and anatomy at birth.
2. "Interscholastic athletic activity" means that a student represents the student's school or the District in competition against another school or a local educational authority in an athletic or sporting activity.
3. "Co-ed" or "mixed" means that a team is composed of members of both sexes who traditionally compete together.

Utah Code § 53G-6-901 (2022)

Designation of School Athletic Activities and Teams—

Each school in the District shall designate each of its school athletic activities and teams as designated for students of the male sex, designated for students of the female sex, or coed or mixed. In making the designation for activities and teams which are interscholastic activities governed by the Utah High School Activities Association ("UHSAA"), the school shall consider the listing of girls teams, boys teams, and mixed teams established by the Association.

Utah Code § 53G-6-902(1) (2022)
Utah High Schools Activities Association Handbook 2021-2022 pg. 61

Participation in Sex-Designated Athletic Activities and Teams—

A student of the male sex may not compete with a team or in an athletic activity designated for students of the female sex in an interscholastic athletic activity. For all other sex-designated school athletic activities and teams, students may participate or compete according to the student's gender identity as defined under Policy FAB. (For interscholastic athletic activities governed by UHSAA and designated for students of the male sex or as mixed teams, transgender students' participation shall be governed by the policies established by UHSAA.)

Utah Code § 53G-6-901(1)(b), (2) (2022)
Utah High Schools Activities Association Handbook 2021-2022, Interps. & Guidelines 1.1.4

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Services for Homeless Students

Definitions—

1. "Domicile" means the place which a person considers to be the permanent home, even though temporarily residing elsewhere.
2. "Emancipated minor" means:
   a. a child under the age of 18 who has become emancipated through marriage or by order of a court consistent with Utah Code Title 80 Chapter 7; or
   b. a child recommended for school enrollment as an emancipated or independent or homeless child/youth by an authorized representative of the Utah State Department of Social Services.
3. "Enrolled" for purposes of this rule means a student has the opportunity to attend classes and participate fully in school and extracurricular activities based on academic and citizenship requirements of all students.
4. "Homeless child/youth" means a child who:
   a. lacks a fixed, regular, and adequate nighttime residence;
   b. has primary nighttime residence in a homeless shelter, welfare hotel, motel, congregate shelter, domestic violence shelter, car, abandoned building, bus or train station, trailer park, or camping ground;
   c. sleeps in a public or private place not ordinarily used as a regular sleeping accommodation for human beings;
   d. is, due to loss of housing or economic hardship, or a similar reason, living with relatives or friends usually on a temporary or emergency basis due to lack of housing; or
   e. is a runaway, a child or youth denied housing by his family, or school-age unwed mother living in a home for unwed mothers, who has no other housing available.
5. "School district of residence for a homeless child/youth" means the school district in which the student or the student's legal guardian or both currently resides or the charter school that the student is attending for the period that the student or student's family satisfies the homeless criteria.

Utah Admin. Rules R277-616-2 (December 16, 2020)

Criteria for Determining Where a Homeless or Emancipated Student Shall Attend School—

Under the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. §§ 11431 through 11435 ("the Act"), homeless students are entitled to immediate enrollment and full participation even if they are

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unable to produce records which may include medical records, birth certificates, school records, or proof of residency normally required for enrollment.

A homeless student shall:

1. be immediately enrolled even if the student does not have documentation required under Utah Code sections 53G-9-402, 302, 303, 304 and Utah Code sections 53G-6-302 through 306;
2. be allowed to continue to attend his school of origin, to the extent feasible, unless it is against the parent/guardian's wishes; be permitted to remain in the student's school of origin for the duration of the homelessness and until the end of any academic year in which the student moves into permanent housing; or
3. transfer to the school district of residence for a homeless child or youth or charter school if space is available; and
4. have all fees waived as described in Utah Admin. Rules R277-407-5 and in accordance with the Act.

Determination of residence or domicile may include consideration of the following criteria:

5. the place, however temporary, where the child actually sleeps;
6. the place where an emancipated minor or an unaccompanied child/youth or accompanied child's/youth's family keeps its belongings;
7. the place which an emancipated minor or an unaccompanied child/youth or accompanied child's/youth's parent considers to be home; or
8. such recommendations concerning a child's domicile as made by the State Department of Human Services.

Determination of residence or domicile may not be based upon:

9. rent or lease receipts for an apartment or home;
10. the existence or absence of a permanent address; or
11. a required length of residence in a given location.

If there is a dispute as to residence or the status of an emancipated minor or an unaccompanied child/youth, the issue may be referred to the State Superintendent for resolution.

The purpose of federal homeless education legislation is to ensure that a child's education is not needlessly disrupted because of homelessness. If a child's residence or eligibility is in question, the child shall be admitted to school until the issue is resolved.

Utah Admin. Rules R277-616-3 (December 16, 2020)

Transfer of Guardianship—

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If guardianship of a minor child is awarded to a resident of a school district by action of a court or through appointment by a school district under Utah Code § 53G-6-303, the child becomes a resident of the school district in which the guardian resides.

If a child's residence has been established by transfer of legal guardianship, no tuition may be charged by the new school district of residence.

Utah Admin. Rules R277-616-4 (December 16, 2020)

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Admissions and Attendance:
Eligibility and Admissions Requirements

Minimum Age—

Except as provided for in Policy FBAB, Military Children, the District may enroll children in school who are at least five years old before September 2 of the year in which admission is sought.

Utah Code § 53G-4-402(6) (2021)

Student Residency (Parent or Guardian Resides in Utah)—

The district of residence of a minor child whose custodial parent resides in Utah is:

1. The school district in which the custodial parent resides; or
2. The District in which the child resides;
   a. While in the custody or under the supervision of a Utah state agency, local mental health authority, or substance abuse authority;
   b. While under the supervision of a private or public agency authorized to provide child placement services by the state of Utah;
   c. If the child is married or has been determined to be an emancipated minor by a court of law or authorized administrative agency;
   d. The child resides in the District while living with a responsible adult resident of the District who has been designated as the child's custodian through a durable power of attorney as provided for in this policy and the District has been determined to be the child's district of residency as provided for in "Alternative District of Residency" below; or
   e. The child is receiving services from a health care facility or human services program (as defined by Utah Code § 26-21-2 and Utah Code § 62A-2-101) and the District has been determined to be the child's district of residency as provided for in "Alternative District of Residency" below.

   Utah Code § 53G-6-302(1), (2) (2022)
   Utah Admin. Rules R277-621 (January 9, 2018)
3. A "responsible adult resident" is an individual who is 21 years of age or older who is a resident of this state and is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for the child.

   Utah Code § 53G-6-303(1) (2019)

Alternative District of Residency—

Procedure

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When a student's parent or legal guardian resides in Utah but not within the District, and the student resides in the District, the parent or legal guardian may request a determination that the District is the student's alternative district of residency by filing a written request with the District for that determination. The written request shall demonstrate that:

1. the child's physical, mental, moral or emotional health will be best served by considering the child to be a resident for school purposes;
2. exigent circumstances prevent the case from being considered under the procedures provided for in this policy for interdistrict transfers (see "'Open Enrollment' for Utah Resident Students," below); and
3. considering the child to be a resident of the District will not violate any other law or rule of the State Board of Education.

Utah Admin. Rules R277-621-3(1) (January 9, 2018)
Utah Code § 53G-6-302(2)(b)(iii), (iv) (2022)

For alternative district requests, the District designates the District Superintendent as its review official.

Upon receipt of an alternative district request, the review official shall review the request in light of the requirements set forth above and within 10 business days make a recommendation to the Board of Education (or its designee) on whether the student should be treated as a resident of the District.

Utah Admin. Rules R277-621-3(2) (January 9, 2018)

The Board of Education (or its designee) shall review the request and the recommendation and determine, based on the criteria set forth above, whether to grant or deny the request. The decision shall be in writing and shall set for the reasons for approval or denial in accordance with the criteria.

Utah Admin. Rules R277-621-3(5) (January 9, 2018)

If the request is denied by the Board of Education, the student or parent may appeal the denial to the State Superintendent within 10 business days. The State Superintendent will rule on the appeal within 10 business days.

Utah Admin. Rules R277-621-3(6) (January 9, 2018)

Requirements

Pending a decision on the request, the district of residence of the student's custodial parent or legal guardian is responsible for the student's education services. If the request is approved, the District shall immediately enroll the student and assume responsibility for providing educational services to the student.

Utah Admin. Rules R277-621-3(3), (4) (January 9, 2018)

If the request is approved and the student qualifies for services under IDEA, the District shall conduct an IEP meeting with representation from the District and from the student's prior district (the district of residence of the student's custodial parent or legal guardian).

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Utah Admin. Rules R277-621-3(7) (January 9, 2018)

The District is not responsible for a student's required transportation between a health care facility or a human services program facility and the District's facility.

Utah Admin. Rules R277-621-4(3) (January 9, 2018)

The Board of Education or its designee may periodically re-evaluate the student's eligibility for educational services from the District.

Utah Admin. Rules R277-621-4(4) (January 9, 2018)

Students Attending a Private Human Services Program—

When the District is established as the alternative district of residence of a student while the student is attending a private human services program, the student is entitled to educational services from the District at District facilities, as determined by the District. The District is not required to provide educational services on site at the private human services program facility unless the District's IEP team determines that on-site services are required to meet the needs of the student under federal law.

Utah Admin. Rules R277-621-4(1), (2) (January 9, 2018)

Student Residency (Parent or Guardian Does Not Reside in Utah)—

A minor child whose parent or legal guardian does not reside within Utah may be considered a resident of the District in which the child lives if it is established to the satisfaction of the local Board that:

1. The child is either married or has been determined to be an emancipated minor by a court of law or authorized state administrative agency;
2. The child was placed and is being supervised by a child placing agency which is authorized by the State of Utah to provide residential or child placement services and the agency is paying the child's tuition and fees to the extent required by Utah Code § 62A-2-127;
3. The child is in custody or under the care of a Utah state agency;

   Utah Code § 62A-2-127(2) (2022)

4. The child lives with a resident of the District who is a responsible adult and whom the District agrees to designate as the child's legal guardian as provided for below; or
5. The District, in its sole discretion may accept a non-emancipated student as a resident of the District if each of the following are demonstrated to the Board's satisfaction:
   a. The child's physical, mental, moral, or emotional health would best be served by considering the child to be a resident for school purposes; and
   b. The child is prepared to abide by the rules and policies of the District; and

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c. The person with whom the child resides in the District has been given authority in a durable power of attorney, as specified below, which the District agreed in its sole discretion to accept; and

d. One of the following two sets of circumstances exists:

i. The child lives with a responsible adult who resides in the District and is the student's non-custodial parent, grandparent, brother, sister, uncle or aunt and the child's presence in the District is not for the primary purpose of attending the public schools; or

ii. The child's parent has moved from the state, and the child resides with a responsible adult who resides in the District, and the child's attendance in the school will not be detrimental to the school or to the District.

Utah Code § 53G-6-302(3) (2022)

NOTE: A document issued by other than a court of law that purports to award guardianship to a person who is not a resident of the jurisdiction in which guardianship is awarded is not valid until reviewed by a court of law.

Durable Power of Attorney—

In certain circumstances identified above, a durable power of attorney must be obtained before a child can be admitted to attend school within the District. This durable power of attorney does not confer legal guardianship. In order to be sufficient, this durable power of attorney must be issued by the person who has legal custody of the child and must grant the custodian full authority to take any appropriate action in the interests of the child, including delegating powers regarding care, custody, and property, including authority over schooling.

In addition, the person with legal custody of the child (the grantor of the power of attorney) and the person who the child is to reside with (the person empowered by the power of attorney) must both agree to:

1. Assume responsibility for any fees or other charges related to the child's education in the District, and
2. Provide the District with all requested financial information needed to determine eligibility for fee waivers, if those are claimed.

Utah Code § 53G-6-302(4) (2022)
Utah Code § 75-5-103 (2018)

Forms for this power of attorney and for acceptance of custodianship are provided below.

Guardianship for Residency Purposes—

Subject to the District's acceptance and approval, a responsible adult resident residing in the District may obtain guardianship of a child whose custodial parent does not reside in the District for the limited purpose of establishing school district residency of a minor child by submitting to the Superintendent a signed affidavit by the child's parent which states that:

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1. The child's presence in the district is not for the primary purpose of attending the public schools;
2. The child's physical, mental, moral or emotional health would be best served by transfer of guardianship to a Utah resident;
3. The affiant is aware that designation of a guardian is equivalent to a Court established guardianship and will suspend or terminate any existing parental or guardianship rights in the same manner as a court-established guardianship;
4. The affiant consents and submits to suspension or termination of parental or guardianship rights;
5. The affiant submits to jurisdiction of Utah State courts in which the District is located for any action related to guardianship or custody of the student;
6. The affiant designates the responsible adult resident as agent to accept service of process and notice; and
7. It is the affiant's intent that the student become a permanent resident of the District under the supervision of the responsible adult.

The responsible adult must also submit a signed affidavit stating that:

1. The affiant is a resident of the school district and desires to become the guardian of the student;
2. The affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;
3. The affiant will accept responsibilities of guardianship to provide adequate supervision, discipline, food, shelter, educational and emotional support, medical care and pay all school fees; and
4. The affiant accepts the parent or prior guardian's appointment of agency.

Forms for the affidavits of the parent and the responsible adult are provided below. If the child's custodial parent cannot be found in order to execute the statement required under subsection (6), then the responsible adult resident must submit a signed affidavit to that effect to the District. A form for this affidavit is provided below. The District shall also submit a copy of the affidavit to the Criminal Investigations and Technical Services Division of the Department of Public Safety.

The student who lives with the responsible adult must submit a signed affidavit stating that:

1. The student desires to become a permanent resident of the State of Utah and reside in the District with and be responsible to the named responsible adult; and
2. The child will abide by rules and policies of the district and schools.

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A form for this affidavit is provided below. The District may require the responsible adult to also submit any other relevant documents that it reasonably believes to be necessary to substantiate any claim made in connection with the application.

Upon receipt of the required information and documentation, and a determination by the board that the information is accurate, that the requirements have been met, and that the interests of the child would best be served by granting the guardianship, the Board or its authorized representative may designate the applicant as guardian of the child by issuing a designation of guardianship letter to the applicant.

The District shall deliver the original documents filed with the District, together with a copy of the designation of guardianship issued by the District, in person or by any form of mail requiring a signed receipt, to the clerk of the state district court in which the District is located.

Intentional submission to the District of fraudulent or misleading information under this policy is punishable under Utah Code § 76-8-504.

If the District has reason to believe that a party has intentionally submitted false or misleading information under this part, it may, after notice and opportunity for the party to respond to the allegation:

1. void any guardianship, authorization, or action which was based upon the false or misleading information; and
2. recover, from the party submitting the information, the full cost of any benefits received by the child on the basis of the false or misleading information, including tuition, fees, and other unpaid school charges, together with any related costs of recovery.

Utah Code § 53G-6-303 (2019)

Appeal of Guardianship Denial—

If the Board denies the application for a guardianship designation, the applicant may either appeal the denial to the Utah district court where the District is located or may file an original petition for guardianship with the court.

Utah Code § 53G-6-303 (2019)

Termination of Guardianship—

A guardianship designation issued by the District may be terminated, and the authority and responsibility of the prior custodial parent may be restored, upon submission to the District of:

1. a signed affidavit by the person who consented to the guardianship which requests termination of the guardianship, or
2. a signed written request by the designated guardian requesting termination of the guardianship.

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If the District determines that it would not be in the best interests of the child to terminate the guardianship, the District may refer the request for termination to the Utah district court where the original guardianship documents were submitted.

If the District determines, after giving notice and an opportunity to respond, that an individual has intentionally submitted false or misleading information to the District in connection with a guardianship designation, the District may

1. void any guardianship, authorization, or action which was based on the false or misleading information, and
2. recover from the person submitting the false or misleading information the full cost of any benefits received by the child based on the false or misleading information, including tuition, fees, and other unpaid school charges, along with any related costs of recovery.

A student whose guardianship or enrollment has been terminated may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Utah Code § 53G-6-303 (2019)

Tuition—

The board shall charge the nonresident child tuition at least equal to the per capita cost of the school program in which the child enrolls unless the board, in open meeting, determines to waive the charge for that child in whole or in part. The official minutes of the meeting shall reflect the determination.

Utah Code § 53G-6-306(3) (2022)

Tuition for Education Outside of the District—

If the Board so determines, it shall pay tuition to any accredited district outside the state with which it has a written agreement to educate students attending school in the out-of-state district. The agreement shall be approved by both districts and filed with the State Board of Education. The District is not required to pay tuition to any district with which it has not contracted.

Utah Code § 53G-6-305 (2019)

Eligibility and Admissions Requirements—

All documents submitted for proof of guardianship shall be kept by the District until the student has reached the age of eighteen (18) unless the District receives a valid court order to do otherwise.

Utah Code § 53G-6-303(9) (2019)

The District may require evidence that a child is eligible to attend the public free schools of the District at the time it considers an application for admission of the child. The District may withdraw any student who ceases to be a resident; however, a student who guardianship or enrollment has been terminated under this policy

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may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Plyler v. Doe, 102 S. Ct. 2382 (1982)
Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)

"Open Enrollment" for Utah Resident Students—

The Board is responsible for providing educational services consistent with Utah state law and rules of the State Board of Education for each student within the District and—to the extent reasonably feasible and in accordance with the limitations and provisions herein—for any student who resides in another district in the state and desires to attend a school in the District.

For purposes of "open enrollment," the following definitions apply:

1. "Early enrollment" means:
   a. application between November 15 and the first Friday in February for admission for the next school year to a school that is not a student's school of residence; or
2. "Early enrollment for grade reconfiguration" means
   a. application between August 1 through November 1 for admission for the next school year to a school that is not a student's school of residence if:
      i. the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
      ii. that grade reconfiguration will be implemented in the next school year.
3. "Late enrollment" means application:
   a. after the first Friday in February for admission for the next school year to a school that is not the student's school of residence; or
   b. for admission for the current year to a school that is not the student's school of residence.
4. "Nonresident student" means a student who lives outside the boundaries of the school attendance area.
5. "Open enrollment threshold" means the school enrollment levels (for early enrollment or late enrollment) determined under Utah Code § 53G-6-401 and regulations established by the Utah State Board of Education.
6. "School of residence" means the school that a student is assigned to attend based on the student's place of residence.
7. "School attendance area" means an area established by the Board of Education from which students are assigned to attend a certain school.

Utah Code § 53G-6-401 (2019)
Utah Code § 53G-6-402(4)(b)(iii) (2022)

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If a school's average daily membership falls below the open enrollment threshold, the Board shall allow nonresident students to enroll in the school. If a school's average daily membership is above the open enrollment threshold, the Board may, in its discretion, allow enrollment of nonresident students in the school upon satisfactory completion of the application process set forth herein.

The Board shall provide written notification to the parents of each student that resides within the school district and other interested parties of the revised early enrollment period beginning August 1 and ending November 1 if the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and the grade reconfiguration will be implemented in the next school year.

The Board shall make information about the District, its schools, programs, policies and procedures available to all students who are residents of the State and express an interest in transferring into the District or in transferring to another school within the District.

In order for a Utah student to attend a District school other than the student's school of residence, the nonresident student's parent must submit an application to the District on a form provided by the State Board of Education.

To be considered as an "early enrollment" application, the student's parent must submit the application from August 1 to November 1 if there is a district wide grade reconfiguration the following school year or from December 1 through the third Friday in February prior to the school year of application for initial enrollment to begin the following school year in the District. Applications which are submitted for the current school year or after the third Friday in February for the following school year will be considered as "late enrollment" applications.

Utah Code § 53G-6-401 (2019)

The District shall charge applicants a one-time $5.00 processing fee to be paid at the time of application.

Utah Code § 53G-6-402(5) (2022)

Notice of Acceptance or Rejection of Application—

For an early enrollment application, the District shall provide written notice of acceptance or rejection of that application within six weeks after receipt of the application by the District or by March 31 whichever is later. For a late enrollment application for the following school year, written notice of acceptance or rejection shall be provided within two weeks of the District's receipt of the application or by the Friday before the new school year begins, whichever is later. For a late enrollment application for the current school year, written notice of acceptance or rejection shall be provided within two weeks of the District's receipt of the application. Written notice of acceptance of an application for enrollment shall also be sent to the nonresident student's school of residence (for intradistrict transfers) or district of residence (for intradistrict transfers).

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Utah Code § 53G-6-402(4)(b)(v), (vi) (2022)

Denial of Enrollment Appeal—

Denial of initial or continuing enrollment of a nonresident student may be appealed to the Board. Written notice of the request for appeal to the Board must be submitted to the Board within fifteen (15) days of the date of the Board's denial of the application. The decision of the Board shall be upheld in any subsequent proceedings unless the Board's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

Utah Code § 53G-6-404 (2019)

Standards for Application—

Acceptance or rejection of an application shall be determined on an individual basis. Standards applied to each application include at least the following:

No nonresident student shall be allowed to voluntarily enroll in programs within the District unless, on a case by case basis, the District determines that there is capacity for additional students in the program for which the nonresident student applies, and that there is adequate space, facilities, and teacher availability in the class, grade level and school building for which the student applied. For secondary schools, the District may also consider the capacity of a comprehensive program in determining to accept or reject an application.

The District shall give priority to a student who is a child of a military servicemember (as defined in Utah Code § 53B-8-102.)

The District shall maintain heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students.

The District shall not be required to provide any program that it has not previously provided to its own students. If the District does not offer a program that the student requires, that fact shall be considered in reviewing the student's application.

The District shall consider the willingness of prospective students to comply with District policies.

The District shall consider whether an applicant's brother or sister is attending the requested school or another school in the District.

The District may give preference to applicants from students residing within the District over applications from students who do not reside within the District.

The District may consider whether the requested transfer is needed for the student's health or safety.

The District may reject an application for transfer for the current school year when the student has already transferred to another school for the current school year under open enrollment (whether that was effective at the beginning of the school year or during the school year).

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Standards may not include previous academic achievement, athletic or other extra-curricular ability, the fact that the student requires special education services for which space is available, previous disciplinary proceedings, except that the District may deny applications from students who have committed serious infractions of the law or school rules, including rules of the District which may not have been rules of the student's prior district where the conduct occurred. The District may deny applications from students who have been guilty of chronic misbehavior which would, if continued, endanger persons or property, cause serious disruptions in the school, or place unreasonable burdens on school staff.

The Board may, in its discretion, allow provisional enrollment of students with prior behavior problems. In such cases the Board will, on a case-by-case basis, establish conditions under which enrollment of the nonresident student would be permitted. The Board may also impose such conditions on a nonresident student previously enrolled in the District, under which the nonresident student's enrollment would be continued.

Utah Code § 53G-6-402(1) (2022)
Utah Code § 53G-6-403 (2019)

Posting of School Enrollment Information—

For each school, the District shall post the following information on the District website:

1. The school's maximum capacity;
2. The school's adjusted capacity;
3. The school's projected enrollment used in calculating the open enrollment threshold;
4. The school's actual enrollment on October 1, January 2, and April 1;
5. The number of nonresident student enrollment applications for the school;
6. The number of nonresident student enrollment applications accepted; and
7. The number of resident students transferring to another school.

Utah Code § 53G-6-403(5) (2019)

Participation in Interscholastic Competition—

The participation by nonresident students in interscholastic competition shall be governed under rules established by the State Board of Education, in consultation with the Utah High School Activities Association. Final determinations as to extent of participation shall be made by the Board of Education or coaches delegated such authority.

Termination of Enrollment—

Once a nonresident student is enrolled within a school in the District, the student may remain enrolled in that school subject to compliance with all rules and

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standards established for students in the District, and is not required to submit annual or periodic applications unless one of the following occurs:

1. the student graduates;
2. the student is no longer a Utah resident;
3. the student is suspended or expelled from school; or
4. the District determines that enrollment within the school in question will exceed the open enrollment threshold during the coming school year.

However, even when the open enrollment threshold will be exceeded, a student may remain enrolled in the following circumstances. When a military servicemember (as defined in Utah Code § 53B-8-102) moves from temporary to permanent housing outside of the relevant boundaries following a permanent change of station, a child of the servicemember in kindergarten through grade 10 may remain enrolled until the student completes the current school year and a child of the servicemember in grade 11 or 12 may remain enrolled until the student graduates. Where a nonresident student is enrolled in a nonresident school for safety reasons because bus service is not provided between the student's neighborhood and their school of residence, that student may remain at that school through the highest grade offered and may thereafter attend the middle school, junior high school, or high school into which the nonresident school feeds, until graduation.

Utah Code § 53G-6-402(6), (11) (2022)

Otherwise, where the open enrollment threshold will be exceeded, determination of which nonresident students will be excluded from continued enrollment in the school during a subsequent year is based upon time in the school, with those most recently enrolled being excluded first and the use of a lottery system when multiple nonresident students have the same number of school days at the school. Nonresident students who will not be permitted to continue their enrollment in the District shall be notified on or before March 15 of the school year prior to the school year during which enrollment will be denied.

Utah Code § 53G-6-402(7) (2022)

Transportation—

The parent of the nonresident student must arrange for the student's own transportation to and from schools. The District shall provide transportation for a nonresident student on the basis of available space on an approved route within the District to the school of attendance if District students would be eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

Utah Code § 53G-6-407 (2019)

Withdrawal of Enrollment—

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Except as set forth below for charter school students, the parent of a nonresident student may withdraw the student from the nonresident school by doing one of the following:

1. Submitting notice of intent to enroll the student in the student's school of residence for the subsequent year.
2. Submitting notice of intent to enroll the student in another nonresident school for the subsequent school year.

Unless provisions have previously been made for enrollment in another school, if the District releases a nonresident student from enrollment in the District, the District superintendent shall immediately notify the student's district of residence.

If the District receives notice from another district that a student residing in the District, but who has been enrolled in the other district, is released from enrollment with that district, the District shall enroll the student in the appropriate District school and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.

Utah Code § 53G-6-402(8), (9) (2022)

The Board may allow a student residing outside the state to attend school within the District but shall charge the nonresident child tuition at least equal to the per capita cost of the school program in which the child enrolls, unless the Board, in open meeting, determines to waive all or part of the charge for that child. In determining what nonresident students to enroll, the Board may give priority to children of military servicemembers (as those are defined by Utah Code § 53B-8-102). Such action shall be recorded in the minutes of the meeting.

Utah Code § 53G-6-306(2), (3) (2022)

Returning Charter School Students—

A charter school student who resides in the District and who submits required enrollment information for the upcoming school year before June 30 shall be enrolled in the student's boundary school for the upcoming school year. However, if the student is leaving the charter school because it has been closed, the student shall be enrolled in the student's boundary school regardless of when the enrollment information is submitted. Otherwise, if the enrollment application is submitted after June 30 for the following year or is submitted for the current year, the student may enroll in a District school, grade level, program or course which is below capacity or has space available "Below capacity" means that the grade level or program is less than 100% of the District, school, or grade level average (as applicable). The capacity and averages are determined as provided for in Utah Administrative Rules R277-472-2, R277-472-3, and R277-472-4. However, below capacity standards for individual schools, grade levels, courses or programs do not apply if the school has documentation that the school community council in a public meeting has designated more than ½ of the school's LAND trust annual allotment to reduce class size in a specific school, grade level, program, or course.

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Utah Code § 53G-6-503(7) (2019)
Utah Admin. Rules R277-472-2 (January 9, 2020)
Utah Admin. Rules R277-472-3 (January 9, 2020)
Utah Admin. Rules R277-472-4 (January 9, 2020)
Utah Admin. Rules R277-472-5(2) (January 9, 2020)
Utah Admin. Rules R277-472-7 (January 9, 2020)

To facilitate transfer of charter school students, the District shall post the following information on District and school websites:

1. Elementary schools within the District that are below capacity and available for charter transfer students;
2. Grade levels and special programs within elementary schools that are below capacity and available for charter transfer students;
3. Secondary schools that are below capacity and available for charter transfer students based on calculated capacity of language arts, science and mathematics; and
4. Special programs within secondary schools that are below capacity and available for charter transfer students.

Utah Admin. Rules R277-472-5(1) (January 9, 2020)

Notwithstanding these limitations, a student may be enrolled at any time if the District determines that is necessary to protect the health or safety of the student.

Utah Code § 53G-6-503(8) (2019)

Exception to Open Enrollment Requirements for DCFS Cases—

Regardless of the student's place of residency or the open enrollment requirements set forth above, the District shall allow enrollment of a student in a District school where such enrollment is determined by the Utah Division of Child and Family Services to be necessary to comply with the provisions of 42 U.S.C. § 675.

Utah Code § 53G-6-402(12) (2022)

Transfer from a Persistently Dangerous School—

The State Superintendent may designate a school as "persistently dangerous" when at least 3% of students for three consecutive school years have been suspended or expelled for either a gun free school violation or for a reported violent criminal offense that took place either on school property or at a school-sponsored activity.

20 U.S.C. § 7912
20 U.S.C. § 7961
Utah Code § 53G-8-205(2) (2019)
Utah Admin. Rules R277-714-2 (April 9, 2020)
Utah Admin. Rules R277-714-3(1) (April 9, 2020)

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If a District school is designated by the State Superintendent as persistently dangerous, then the District shall, within 15 days of receiving notice of the designation, notify the parents of the school's students:

1. That the school has been designated as persistently dangerous and the criteria that caused the designation;
2. That a parent may transfer the parent's student to a safer school within the District if the parent chooses; and
3. That the parent may request the transfer within 30 days after the parent received notice of the designation.

Utah Admin. Rules R277-714-3(3) (April 9, 2020)

Upon receipt of a timely transfer request, the student shall be promptly transferred to a safe school within the District notwithstanding other limitations on transfers or enrollment changes contained in this policy.

In the event of a persistently unsafe school designation, the District shall also provide the State Superintendent with the information and materials required under Utah Administrative Rules R277-714-3 and R277-714-4.

Utah Admin. Rules R277-714-3 (April 9, 2020)
Utah Admin. Rules R277-714-4 (April 9, 2020)

Required Identification—

An "enroller" is an individual who enrolls a student in a public school. Upon enrollment of a student for the first time in a particular school in the District, that school shall notify the enroller in writing that within 30 days the enroller shall provide the school with either (1) a certified copy of the student's birth certificate, or (2) other reliable proof of the student's identity, biological age, and relationship to the student's legally responsible individual, together with an affidavit explaining the enroller's inability to produce a copy of the student's birth certificate. If the documentation inaccurately describes the student's biological age, the enroller shall also provide an affidavit explaining the reason for this inaccuracy and supporting documentation that establishes the student's biological age.

Utah Code § 53G-6-603 (2022)

Supporting documentation to establish a student's biological age may include:

1. A religious, hospital, or physician certificate showing the student's date of birth;
2. An entry in a family religious text;
3. An adoption record;
4. Previously verified school records;
5. Previously verified immunization records;

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6. Documentation from a social service provider (as defined by Utah Code § 53E-3-524); or
7. Other legal documentation, including from a consulate, that reflects the student's biological age.

Utah Code § 53G-6-603(3)(b) (2022)

If supporting documentation to establish the student's biological age is not available, the school shall assign a review team to determine the student's biological age for the District to use in enrolling and placing the student. The review team shall consist of at least three members, with at least one of the members having completed the child sexual abuse and human trafficking prevention training described in Policy DDA and Policy GH within the prior two years. Review team members may include any of the following: an appropriate district administrator, the student's teacher or teachers, the school principal, a school counselor, a school social worker, a school psychologist, a culturally competent and trauma-informed community representative, a school nurse or other school health specialist, an interpreter (if necessary), or a relevant educational equity administrator.

Utah Code § 53G-6-603(4)(a), (b) (2022)

In addition to meeting the mandatory reporting requirements regarding suspected physical or sexual abuse, the school shall also report to local law enforcement and to the Division of Child and Family Services any sign of child trafficking that the review team identifies in performing its duties.

Utah Code § 53G-6-603(4)(c) (2022)
Utah Code § 53E-6-701 (2022)
Utah Code § 80-2-602 (2022)

Distribution of Kits for Missing Child Identification Program—

The Missing Child Identification Program administered by the Utah Attorney General provides for distribution of fingerprint and DNA identification kits that parents may use to collect and store fingerprint and DNA information for potential use by law enforcement in the event that the child is missing. Each elementary school in the District which receives a supply of such kits through the program shall offer a kit to a parent or guardian of each student entering kindergarten at the school.

Utah Code § 67-5-38(3) (2022)

Missing Child—

If a school within the District receives notification from the Bureau of Criminal Identification that a child that is currently or was previously enrolled is missing, the school shall flag that child's records sufficiently to alert school officers that the record is that of a missing child. If the school receives notification from the Bureau of Criminal Investigation that the child is no longer missing, it shall remove the flag from the record.

Utah Code § 53G-6-602 (2018)

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Transfer Students—

Within fourteen (14) days after enrolling a transfer student (simultaneously if the student is a military child), a school shall request, directly from the student's previous school, a certified copy of his record and shall exercise due diligence in obtaining the record.

Utah Code § 53G-6-604 (2018)
Utah Code § 53E-3-905(2) (2018)

If a school within the District is requested to forward a copy of a transferring student's record to the student's new school, it shall comply within thirty (30) school days (10 days if the student is a military child) unless the record has been flagged as being that of a missing child, in which case the copy shall not be forwarded and the school shall notify the Bureau of Criminal Identification of the request. Any knowledge as to the whereabouts of a missing child shall be reported immediately to the Bureau of Criminal Identification.

Utah Code § 53G-6-602 (2018)
Utah Code § 53G-6-604 (2018)
Utah Code § 53E-3-905(2) (2018)

Health Examinations—

The Board shall implement policies as prescribed by the Department of Health for vision, dental, abnormal curvature of spine, and hearing examinations of students attending the District's schools.

Qualified health professionals shall provide instruction, equipment and material for conducting the examinations.

Upon written request from any parent of a student who contends that an examination provided by this policy would violate the personal beliefs of the person making the request and of the student, the student shall be exempt from submitting to the examination.

The school shall give notice in writing to a student's parent of any impairment disclosed by the examination.

Utah Code § 53G-9-402 (2019)

Credits and Records Transfer—

The District shall accept credits from accredited secondary schools and accredited special purpose schools.

Utah Code § 53G-7-206 (2019)

Graduation—

The District shall award a diploma to a nonresident student attending school within the District during the semester immediately preceding graduation if the student meets graduation requirements generally applicable to students in the school.

Utah Code § 53G-6-406 (2019)

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Placement of Transfers—

Records and transcripts of students from Utah nonpublic schools or from out of state shall be evaluated, and students shall be placed promptly in appropriate classes.

Expelled Within Twelve Months—

A student who has been expelled from a public school within the prior 12 months who is otherwise eligible to enroll may be denied enrollment in a District school for that reason. A student who has been expelled within the past 12 months may be allowed to enroll upon approval by the superintendent or designee, subject to such conditions and requirements as are determined to be appropriate.

Utah Code § 53G-8-205(3) (2019)

Student Identification Number—

The District may not use a nine-digit number as a student's identification number with the District.

Utah Code § 63G-15-201 (2012)

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FORM

SCHOOL DISTRICT DURABLE POWER OF ATTORNEY

(Under Utah Code § 53G-6-302)

The undersigned Grantor(s) is (are) the custodial parent(s) or legal guardian(s) of _____, a minor child (herein "Student"). Pursuant to Utah Code § 53G-6-302, Grantor(s) hereby designate(s) _____, who by relationship is (are) the Student's_____, and who reside(s) at _____ as the Custodian(s) of Student and grant(s) to Custodian(s) a Durable Power of Attorney with full authority to take any appropriate action, including authorization for educational or medical services, in the interests of the Student. Such action shall have the same force and effect and shall bind the undersigned Grantor(s), the Grantor(s)' heirs and assigns, to the same degree as would have been the case had the action been taken by the Grantor(s).

Grantor(s) agree(s) to assume full responsibility for payment of any fees or other charges relating to the Student's education in _____ School District. If eligibility for fee waivers is claimed under Utah Code § 53G-7-504, or application is made under other programs requiring financial information (such as for free or reduced school lunch) Grantor(s) also agree(s) to provide all financial information requested by the school district in determining eligibility.

This Durable Power of Attorney shall not be affected by the disability of the Grantor(s) and shall remain in effect until the earliest of the following:

a. The Student reaches the age of 18, marries, or becomes emancipated;
b. The following expiration date: _____; or
c. This Durable Power of Attorney is revoked or rendered inoperative by the Grantor(s), the Custodian(s), or by order of a court of competent jurisdiction.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____
(Day) (Month) (Year) (City or other location and state or country)

Printed Name_____

Signature_____

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____
(Day) (Month) (Year) (City or other location and state or country)

Printed Name_____

Signature_____

THIS POWER OF ATTORNEY DOES NOT CONFER LEGAL GUARDIANSHIP

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FORM

ACCEPTANCE OF DESIGNATION AS CUSTODIAN

The undersigned accept(s) the designation as Custodian(s) of the Student and agree(s) to take appropriate action, including authorization for educational or medical services, in the interests of the Student. The undersigned also agree(s) to assume responsibility for payment of any fees or other charges relating to the Student's education in _____ School District. If eligibility for fee waivers is claimed under Utah Code § 53G-7-504, or application is made under other programs requiring financial information (such as for free or reduced school lunch) the undersigned also agree(s) to provide all financial information requested by the school district in determining eligibility.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____
(Day) (Month) (Year) (City or other location and state or country)

Printed Name_____

Signature_____

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____
(Day) (Month) (Year) (City or other location and state or country)

Printed Name_____

Signature_____

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FORM

Affidavit Granting Guardianship

I, _____, the_____
(Print Name) (legal relationship)
of _____ give guardianship of
(Name of Student)
him/her to _____
(Name of Responsible Adult who will act as Guardian)
while the said student lives as a permanent resident of _____ School District attending schools in the District.

I affirm the following:

a) I verify that the child's presence in the district is not for the primary purpose of attending the public schools;

b) I have determined that the child's physical, mental, moral or emotional health would be best served by transfer of guardianship;

c) I am aware that designation of a guardian is equivalent to a Court established guardianship and will suspend or terminate any existing parental or guardianship rights in the same manner as a court-established guardianship;

d) I consent and submit to suspension or termination of parental or guardianship rights;

e) I submit to jurisdiction of Utah State courts in which the District is located for any action related to guardianship or custody of the student;

f) I designate _____ as my agent to accept service of process and notice regarding custody and guardianship matters; and

g) I verify that it is my intent that the student become a permanent resident of the District under the supervision of the responsible adult.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____
(Day) (Month) (Year) (City or other location and state or country)

Printed Name_____

Signature_____

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FORM

Affidavit For Guardianship Where Parent Cannot Be Found

I certify that no parent or previous legal guardian can be found to grant guardianship of

_____
(Name of student)

to me,_____
(Name of Responsible Adult)

because _____

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____
(Day) (Month) (Year) (City or other location and state or country)

Printed Name_____

Signature_____

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FORM

Affidavit Accepting Guardianship

I, _____,
(Name of Responsible Adult who will act as Guardian)
affirm the following:

a) I am a resident of _____ School District and desire to become the guardian of _____;

b) I consent and submit to the jurisdiction of the Utah district court with jurisdiction of _____ School District in any action relating to the guardianship or custody of this child in question;

c) I accept the responsibilities of guardianship of this child, which include the responsibilities to provide adequate supervision, discipline, food, shelter, educational and emotional support, medical care and to pay all school fees; and

d) I accept appointment by _____ as his or her agent for accepting service of process for any matter involving custody or guardianship of this child.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____
(Day) (Month) (Year) (City or other location and state or country)

Printed Name_____

Signature_____

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FORM

Student Guardianship Affidavit

I, _____,
(Name of Student)

affirm the following:

a) I desire to become a permanent resident of the State of Utah;

b) I desire to reside within the boundaries of the _____ School District;

c) I agree to be responsible to _____; and

d) I will abide by the rules and policies of _____ School District and its schools.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the ____ day of _____, _____ at _____
(Day) (Month) (Year) (City or other location and state or country)

Printed Name_____

Signature_____

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Admissions and Attendance:
Foreign Exchange Students

Permissive and Mandatory Enrollment of Foreign Exchange Students—

The District may enroll foreign exchange students that do not qualify for state monies and pay for the costs of those students with other funds available to the District or charge tuition to those students.

Utah Code § 53G-6-707(2) (2022)
Utah Admin. Rules R277-612-3(4) (May 10, 2017)

Notwithstanding the cap in Utah Code § 53F-2-303(3)(a) on including foreign exchange students in the school's membership and attendance, the District shall enroll a foreign exchange student if the foreign exchange student:

1. Is sponsored by an agency approved by the State Board of Education;
2. Attends the same school during the same time period that another student from the school is:
   a. sponsored by the same agency; and
   b. enrolled in a school in a foreign country; and
3. Is enrolled in the school for one year or less.

Utah Code § 53G-6-707(6) (2022)

Requirements—

Prior to enrolling students through an approved foreign exchange student agency, the District shall require the agency to provide a sworn affidavit of compliance, which shall be maintained by the District. The affidavit shall include the confirmation that the agency:

1. is in compliance with all applicable policies of the board;
2. has completed a household study, including a background check of all adult residents consistent with Utah Code § 53E-6-401, has been made of each household where an exchange student is to reside;
3. has reviewed the information reviewed through the background checks required by the foregoing paragraph with an appropriate District official;
4. has completed a background study to assure that the exchange student will receive proper care and supervision in a safe environment;
5. has provided host parents with training appropriate to their positions, including information about enhanced criminal penalties under Utah Code § 76-5-406(2)(j) for persons who are in a position of special trust;

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6. will send a representative to visit each student's place of residence at least monthly during the student's stay in Utah;
7. will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;
8. will give each exchange student, in the exchange student's native language, names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs; and
9. will provide alternate placements so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.

Utah Code § 53G-6-707(5) (2022)
Utah Admin. Rules R277-612-4(2), (3) (May 10, 2017)

The District shall provide the approved exchange student agency sponsoring a foreign exchange student with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem. The agency shall make a copy of the list available to each of its exchange students in the exchange student's native language.

Utah Code § 53G-6-707(6) (2022)
Utah Admin. Rules R277-612-4(4), (5) (May 10, 2017)

Inclusion of Foreign Exchange Students in Membership and Attendance—

The District shall include foreign exchange students in District and school membership and attendance counts to the extent permitted by Utah Code § 53F-2-303.

Utah Code § 53F-2-303 (2022)

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Admissions and Attendance
Military Children

Definitions—

As used in this policy, unless the context clearly requires a different construction:

1. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve.
2. "Children of military families" means a school-aged child, enrolled in Kindergarten through Twelfth grade, in the household of an active duty member.
3. "Deployment" means the period one month prior to the service member's departure from their home station on military orders through six months after return to their home station.
4. "Education" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.
5. "Extracurricular activities" means a voluntary activity sponsored by the school or the District or an organization sanctioned by the school or the District (such as the Utah High School Activities Association). Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.
6. "Interstate Commission on Educational Opportunity for Military Children" or "Interstate Commission" means the commission that is created under Article IX of the Interstate Compact on Educational Opportunity for Military Children, which has been adopted by Utah in Utah Code §§ 53E-3-901 to -921.
7. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth grade public educational institutions.
8. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.
9. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other U.S. Territory.

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10. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in Kindergarten through Twelfth grade.
11. "Transition" means: 1) the formal and physical process of transferring from school to school; or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.
12. "Uniformed services" means: the United States Army, Navy, Air Force, Marine Corps, Coast Guard as well as the commissioned corps of the National Oceanic and Atmospheric Administration, and of the United States Public Health Service.
13. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

Utah Code § 53E-3-903 (2019)

Applicability—

This policy shall apply to the children of active duty members of the uniformed services as defined above in this policy, including members of the National Guard and Reserve; members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

This policy shall not apply to the children of:

1. Inactive members of the National Guard and military reserves;
2. Members of the uniformed services now retired, except as provided in the paragraph above;
3. Veterans of the uniformed services, except as provided in the paragraph above, and other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Utah Code § 53E-3-904 (2018)

Eligibility—

1. Eligibility for enrollment.
   a. A special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

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b. The District may not charge tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

c. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the student was enrolled while residing with the custodial parent.

2. Eligibility for extracurricular participation

   a. The District shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

      Utah Code § 53E-3-907 (2018)

3. Provisional Enrollment

   a. For purposes of provisional enrollment, an “eligible student” is a student who is a dependent child of a member of uniformed services who is either relocating to Utah and does not reside in Utah during the District’s enrollment period or is relocating out of Utah during the school year and on permanent change of station orders.

   b. “Provisional enrollment” means enrollment in a school in the District by an eligible student before the student relocates to Utah or after the student’s parent relocates out of Utah but before the student relocates out of Utah.

   c. Notwithstanding the general enrollment requirements in Policy FBA, the District shall allow an eligible student to provisionally enroll in a school in the District at the same time and in the same manner as students who reside in Utah or shall allow an eligible student to provisionally enroll in virtual education options that the District provides in the same manner as students residing in Utah. (Provisionally enrolled students are not considered nonresident students who are required to pay tuition.)

   d. The District shall not require proof of residence at the time that an eligible student applies for enrollment in a District school, but shall require proof of residency within 10 days after the eligible student’s first day of residence in Utah.

      Utah Code § 53G-6-306(1), (4) (2022)

Educational Records and Enrollment—

1. Unofficial or “hand-carried” education records:

   a. In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as

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determined by the Interstate Commission. Upon receipt of the unofficial education records, the District school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

2. Official education records or transcripts
   a. Simultaneous with the enrollment and conditional placement of the student, the District school shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state should process and furnish the official education records to the District school within 10 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.
3. Immunizations
   a. The District shall give 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization required by state law. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.
4. Kindergarten and First grade entrance age
   a. Students shall be allowed to continue their enrollment at grade level in the receiving District school commensurate with their grade level, including Kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving District school, regardless of age. Students transferring after the start of the school year in the District shall enter the District school on their validated level from an accredited school in the sending state.

   Utah Code § 53E-3-905 (2018)

Placement and Attendance—

1. Course placement
   a. When the student transfers before or during the school year, the receiving District school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting

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placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course.

2. Educational program placement
   a. The receiving District school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student.
3. Special education services
   a. In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., the receiving District school shall initially provide comparable services to a student with disabilities based on the student's current Individualized Education Program (IEP); and
   b. In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12165, the receiving District school shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the District school from performing subsequent evaluations to ensure appropriate placement of the student.
4. Placement flexibility
   a. District administrators shall have flexibility in waiving course or program prerequisites, or other preconditions for placement, in courses or programs offered within the District, subject to State Board of Education rules and regulations.
5. Absence as related to deployment activities
   a. A student whose parent or legal guardian is an active duty member of the uniformed services, as defined above in this policy, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

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Utah Code § 53E-3-906 (2018)

Graduation—

In order to facilitate the on-time graduation of children of military families, the District incorporates the following procedures:

1. Waiver requirements
   a. The District and its schools shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the District shall provide an alternative means of acquiring required coursework so that graduation may occur on time.
2. Exit exams
   a. State statute provides that with respect to children of military families, the District shall accept:
      i. Exit or end-of-course exams required for graduation from the sending state;
      ii. National norm-referenced achievement tests; or
      iii. Alternative testing, in lieu of testing requirements for graduation in Utah.

In the event the above alternatives cannot be accommodated by the District for a student transferring in the student's Senior year, then the provisions below regarding transfers during the Senior year shall apply.

3. Transfers during Senior year
   a. Should a military student transferring at the beginning or during the student's Senior year be ineligible to graduate from the receiving District school after all alternatives have been considered, the sending local education agency and the District shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that the sending state has not adopted the Interstate Compact on Educational Opportunity for Military Children, the District shall use best efforts to facilitate the on-time graduation of the student in accordance with the waiver and exit exam provisions above.

      Utah Code § 53E-3-908 (2018)

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Admissions and Attendance:
Compulsory Education

Definitions—

1. "Excused Absence or Valid Excuse" means:
   a. an absence resulting from:
      i. Illness, which may be either mental or physical (the school may not require documentation from a medical professional to substantiate the illness);
      ii. Mental or behavioral health of the school-age child;
      iii. death of family member;
      iv. an approved school activity; or
      v. any other reason established by the district as valid.
         1. In determining whether to pre-approve an extended absence of a student as a valid excuse, the district shall approve the absence if the district determines that the absence will not adversely impact the student's education.
         2. A "valid excuse" does not include a parent acknowledgement of an absence for a reason other than those stated above unless the Board of Education has specifically permitted absence for that reason.
   b. An absence for attendance at a scheduled family event or a scheduled proactive visit to a health care provider if the parent submits a written statement at least one school day before the scheduled absence and if the student agrees to make up course work for the missed days according to District or school policy. (See Policy GCE section "Parent rights regarding student absences".)
   c. an absence permitted by a student's:
      i. individualized education program; or
      ii. Section 504 accommodation plan.

      Utah Code § 53G-6-201(10) (2021)
      Utah Code § 53G-6-205 (2021)
      Utah Code § 53G-6-803(5) (2020)
2. "Home School" means a school comprised of one or more students officially excused from compulsory public school attendance under this policy and Utah Code § 53G-6-204.

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Utah Admin. Rules R277-438-2(5) (December 8, 2016)

3. "Private School" means a school satisfying the following criteria:
   a. maintained by private individuals or entities;
   b. maintained and operated not at public expense;
   c. generally supported, in part at least, by tuition fee or charges;
   d. operated as a substitute for, and giving the equivalent of, instruction required in public schools;
   e. employs teachers able to provide the same quality of education as public school teachers;
   f. established to operate indefinitely and independently, not dependent upon the age of the students available or upon individual family situations; and
   g. licensed as a business by the Utah Department of Commerce.

   Utah Admin. Rules R277-438-2(6) (December 8, 2016)

4. "Truant" means that a student is absent without a valid excuse for at least half of the school day. (A student may not be considered truant more than one time in a day.) If the student is enrolled in a learner verified program as defined by the State Board of Education, the time period which will result in truancy is defined by the District's policy about the District's continuing enrollment measure as it relates to truancy.

   Utah Code § 53G-6-201(8) (2021)

5. "Behavioral health" means the impact a student's actions can have on a student's physical or mental health and includes conditions in which services provided by social workers, counselors, psychiatrists, neurologists, behavior analysts, psychologists, and physicians would be appropriate.

   Utah Admin. Rules R277-607-2(2) (August 25, 2021)

6. "Mental health" means a person's emotional, psychological, and social well-being which can affect how a person thinks, feels, and acts including how a person handles stress, relates to others, and makes healthy choices.

   Utah Admin. Rules R277-607-2(3) (August 25, 2021)
   Utah Admin. Rules R277-625-2(2) (February 9, 2021)

Notice of Compulsory Education Attendance Laws—

Prior to or no later than school registration, the parent or legal guardian of each student in grades 1-12 shall be provided written notice from the school or district informing the parents or legal guardians of Compulsory Education attendance laws, discipline or consequences progress; and opportunities to appeal a notice of truancy or disciplinary measures. This notice shall be provided with registration materials or as part of the registration process and shall also be provided at

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appropriate locations on the District website and school websites. However, this notice shall not be provided for the 2021-2022 school year registration.

Utah Admin. Rules R277-607-4(2)(a), (b) (August 25, 2021)

Compulsory Education—

The parent of a student who is at least six (6) years of age and not more than eighteen (18) years of age, shall enroll and send his or her school-age minor to a public or regularly established private school during the school year of the district in which the student resides, unless exempted as indicated below. Attendance shall be in District schools or in some other district to which the student may legally be transferred, or in a regularly established private school. Except for the period between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent to intentionally or without good cause fail to enroll a school-age minor in school, unless exempted as indicated below. The District shall report violations of this policy to the appropriate city, county, or district attorney. However, no such reports shall be made during the period from March 17, 2021 to June 1, 2022.

Utah Code § 53G-6-202 (2021)

Exemptions—

Students who meet one or more of the following conditions to the satisfaction of the Board shall be exempt from compulsory attendance requirements and shall be given a certificate, issued by the Board, stating that the student is excused from attendance during the time specified on the certificate:

1. A child over age sixteen (16) may receive a partial release from school to enter employment, or to attend a trade school, if the child has completed the eighth grade. Children receiving this exemption must still attend school part-time as required by the Board or home school part time as permitted in 2.e. below.
2. On an annual basis, a school-age child under eighteen (18) years of age may receive a full release from attending a public, regularly established private or part-time school or class if one of the following is established to the Board's satisfaction:
    a. The child has already completed the work required for graduation from high school.
    b. The child is in a physical or mental condition, certified by a competent physician if required by the Board, which renders attendance inexpedient and impracticable.
    c. Proper influences and adequate opportunities for education are provided in connection with the child's employment.
    d. The Superintendent determines that the child, if over age sixteen (16), is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

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e. The child's parent files a signed and notarized affidavit with the child's school district of residence that the child will attend a home school and that the parent assumes sole responsibility for the education of the school-age child except to the extent that the child is dual-enrolled in a public school. A child receiving a partial release in order to enter employment under item (1) above may be excused from attending required part-time school to attend home school part time.

i. A parent of a child who attends a home school is solely responsible for:

1. the selection of instructional materials and textbooks;
2. the time, place, and method of instruction, and
3. the evaluation of the home school instruction.

ii. A local school board may not:

1. require a parent of a child who attends a home school to maintain records of instruction or attendance;
2. require credentials for individuals providing home school instruction;
3. inspect home school facilities; or
4. require standardized or other testing of home school students.

iii. Upon request of a parent, the District shall identify the knowledge, skills, and competencies a student is recommended to achieve by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.

Utah Code § 53G-6-204 (2020)

Certificate of Exemption from Public School Attendance—

When the Board excuses a child from public school attendance pursuant to an exemption other than for home schooling, the Board shall issue a certificate stating that the child is excused from attendance during the time specified on the certificate. When the Board excuses a child from attendance under the home school exemption, the Board shall annually issue a certificate excusing the child from attendance for the specified school year. The certificate shall be issued within 30 days after the initial receipt of the parent's signed and notarized affidavit filed by the child's parent pursuant to Subsection (2)(e) above. The Board shall issue additional certificates on or before August 1 of each year thereafter unless (1) the child enrolls in a District school, (2) the parent notifies the District that the child no longer attends a home school, or (3) the parent notifies the District that the child's district of residence has changed.

Utah Code § 53G-6-204 (2020)

Attendance Review Team—

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The District's attendance review team consists of administrators (including those responsible for academic instruction, health and wellness, student support services, and attendance data), may include the District's multi-disciplinary team, and where possible includes community agencies. The attendance review team will:

1. On at least a monthly basis review attendance data to inform actions and tiered interventions development;
2. Create a systemic District and school level response for the District's compulsory education policy, including practice improvement and prevention and intervention strategies; and
3. Promote shared accountability and continuous improvement relating to the District's compulsory education policy, including a school level attendance plan developed at the end of the previous school year.

Utah Admin. Rules R277-607-3(1)(c), (3) (August 25, 2021)

School Efforts to Resolve Attendance Problems—

Parent(s) of all students in grades 1-12 shall be provided written notice from the school or district informing parents of Compulsory Education attendance laws and encouraging parental cooperation.

1. A student registering in the school district during the school year may be provided written notice explaining the school and school district's compulsory education policy.
2. A student moving from one school to another within the same district may be provided written notice explaining the school and school district's compulsory education policy.

However, such notices shall not be provided during the period from March 17, 2021 to June 1, 2022.

Utah Admin. Rules R277-607-4 (August 25, 2021)

The notice to parents shall also include a description of the appeals process for contesting a notice of truancy or contesting disciplinary action against a student under this policy.

Utah Admin. Rules R277-607-4(2)(c), (3) (August 25, 2021)

The District shall make reasonable efforts to resolve the school attendance problems of its students, including the following, as deemed reasonably feasible by the Board or its designee in individual cases:

1. counseling of the student by school authorities;
2. issuing a Notice of Truancy;
3. adjusting the curriculum and schedule if determined necessary to meet special needs of the student;
4. considering alternatives proposed by the parent or legal guardian;

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5. monitoring school attendance of the student;
6. voluntarily participating in truancy mediation, if available;
7. providing the student's parent or legal guardian, upon request, a list of resources available to assist the parent or legal guardian in resolving the student's attendance problems; and
8. enlisting the assistance of community and law enforcement agencies as appropriate to the extent permitted under Utah Code § 53G-8-211.

This policy and related statute do not impose civil liability on the school district or its employees. During the period from March 17, 2021 to June 1, 2022, the school's efforts to resolve attendance problems may not include issuing a Notice of Truancy.

Utah Code § 53G-6-206 (2021)

Notice of Compulsory Education Violation—

A school administrator, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may only issue a notice of compulsory education violation to a parent of a student, if the student is in grade 1 through 6 and if the student is truant at least five (5) times during the school year.

The notice of compulsory education violation shall:

1. direct the student's parent to meet with designated school authorities to discuss the student's attendance problems and cooperate with the District to secure regular attendance by the student.
2. specify the school authorities with whom the parent is required to meet.
3. state that it is a class B misdemeanor for the student's parent to intentionally or without good cause fail to meet with the designated school authorities to discuss the student's attendance problems or fail to prevent the student from being truant an additional five (5) or more times during the remainder of the school year.
4. be served on the student's parent by personal service or certified mail.

The District shall report violations of this policy to the appropriate city, county, or district attorney. However, during the period from March 17, 2021 to June 1, 2022, the District shall not issue or enforce notices of compulsory education or violations and shall not make any reports of such violations to city, county, or district attorneys.

Utah Code § 53G-6-202 (2021)

Penalties for Truancy—

The Board of Education may establish administrative penalties for being truant on a student who is in grade 7 or above and at least 12 years old. However,

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such penalties may not be imposed during the period from March 17, 2021 to June 1, 2022.

Utah Code § 53G-6-203(2) (2021)

Notice of Truancy—

Except during the period from March 17, 2021 to June 1, 2022, the District may authorize school administrators, a designee of the school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy to any student who is at least twelve (12) years of age and in grade 7 or above and who has been truant at least five (5) times during the school year.

The notice of truancy shall:

1. Identify each of the five (5) or more dates when the student was truant.
2. Direct the student and his or her parent to meet with the designated school authorities and cooperate with the school in securing regular attendance by the student;
3. Allow for contesting the notice of truancy. If the student and/or his or her parent desires to contest the notice of truancy, the parent must meet with the principal or the principal's designee to voice any concerns about the accuracy of the notice of truancy. If the parent cannot meet with the principal or the principal's designee, he or she can submit a written review to the principal outlining the concerns about the accuracy of the notice of truancy. After reviewing the concerns, the principal shall make a determination to either revise or affirm each of the dates when the student was allegedly truant. The principal's determination is final. The principal shall notify the parent or legal guardian of the determination. If the principal affirms the notice of truancy, the principal shall direct the parent to follow step 2 outlined above.
4. Be mailed to, or served on, the student's parent.

Utah Code § 53G-6-203 (2021)
Utah Admin. Rules R277-607-3(2) (August 25, 2021)

Habitual Truancy—

A "habitual truant" is a child who is not exempted from attendance and who is at least at least twelve (12) years of age and in grade 7 or above and who either (a) has been truant at least ten (10) times during the school year or (b) fails to cooperate with school authorities' efforts to resolve the child's attendance problem.

Utah Code § 53G-8-211(1)(b) (2021)

A habitual truant may be referred to an evidence-based alternative intervention and if the student refuses to participate in the evidence-based alternative intervention may be referred to law enforcement or to a court if the requirements of Utah Code § 53G-8-211(5) are met.

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Utah Code § 53G-8-211(3)(b), (5) (2021)

A child may not be considered a habitual truant or subjected to penalties for truancy during the period from March 17, 2021 to June 1, 2022.

Utah Code § 53G-6-203(5)(b), (6) (2021)

Other Actions to Resolve Attendance Problems—

Nothing in this policy shall prohibit a school from taking action to resolve a student's attendance problems prior to five (5) absences without valid excuses, providing the action does not conflict with the requirements of these policies. However, during the period from March 17, 2021 to June 1, 2022, a school may not take any punitive action to resolve a truancy problem with a school-age child.

Utah Code § 53G-6-203(5) (2021)

Truancy Specialist—

The Board may appoint and determine compensation for a truancy specialist to assist in enforcing laws related to school attendance, and to perform other duties prescribed by law or the Board.

Utah Code § 53G-6-207 (2019)

Duties and Powers—

The truancy specialist may:

1. Investigate all cases of unexcused absences from school.
2. Enforce provisions of the compulsory attendance law.
3. Keep written records of all cases of any kind investigated by the truancy specialist in the discharge of his or her duties.

Custody—

Except during the period from March 17, 2021 to June 1, 2022, the truancy specialist or a school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

Utah Code § 53G-6-208(1) (2022)

If the truancy specialist or a school administrator takes a presumed truant child into custody, the truancy specialist or administrator shall, without unnecessary delay, release the child to one of the following:

1. The Principal of the child's school.
2. Any person designated by the Board to receive the child and return him or her to school.
3. A designated truancy center of the District.

Utah Code § 53G-6-208(2) (2022)

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If the child taken into custody refuses to return to school or to go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the child's parents, guardian or custodian and release the child to their custody. If the parents of a truant minor in custody cannot be reached or are unable or unwilling to accept custody, and if none of the other options in the preceding paragraph are available, the child shall be referred to the Division of Child and Family Services.

Utah Code § 53G-6-208(3), (4) (2022)

Reporting to the State Board of Education—

The District shall annually report to the State Board of Education (a) the number of absences with a valid excuse and (b) the number of absences without a valid excuse.

Utah Code § 53G-6-206(6) (2021)

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Dual Enrollment

Dual Enrollment—

Any child who is enrolled in a regularly established private school or a home school may also enroll in a District school for dual enrollment purposes. Any dual enrollment student may participate in any academic activity in the schools of the District subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity. Dual enrollment students are required to attend school part-time as prescribed by the School Board. In addition, a student who attends a portion of the school day at a District school shall be subject to administrative scheduling and teacher discretion of the District's school. Dual enrollment students are subject to the school's tardy and truancy policies according to the school's pre-established time schedules.

A student enrolled in a dual enrollment program is considered a student of the District for purposes of state funding to the extent of the student's participation in the District school's programs.

A dual-enrollment student with a disability may participate as a dual enrollment student consistent with State Board rule and federal regulations. The school shall prepare an IEP for such a student prior to the student's participation in dual enrollment using comparable procedures to those required for identifying and evaluating public school students. A student with a disability seeking dual enrollment is entitled to services for the time, or the number of courses, that the student is enrolled in the public school, based on the decision of the IEP team.

Utah Code § 53G-6-204 (2021)
Utah Code § 53G-6-702 (2020)
Utah Admin. R277-438 (December 8, 2016)
State Board of Education Special Education Rules VI.D.8

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Participation in Online Education

Information and Notices—

Information about online courses and programs available through the Statewide Online Education Program shall be provided in school registration materials, posted on the District's website, and posted on school websites. Information in registration materials shall be provided concurrent with the high school registration period for the upcoming school year.

Utah Admin. Rules R277-726-6(3), (4) (May 11, 2022)

Facilitating Enrollment in Online Courses—

District schools shall facilitation student enrollment with any eligible online course providers selected by an eligible student, consistent with course credit limits.

Utah Admin. Rules R277-726-6(1) (May 11, 2022)

Course Credit—

District schools shall include the online courses of students enrolled in the school in the student's enrollment records and, upon course completion, shall include online course grades and credits on the student's transcripts. Credits for courses completed before grade 9 will be recognized for purposes of high school graduation provided that the student's records include documentation of the student's intention to graduate early and the student is enrolled at a middle school or junior high school and a high school accredited in accordance with Utah Administrative Rules R277-410.

Utah Admin. Rules R277-726-6(5), (6) (May 11, 2022)

Access to Facilities—

District schools shall provide to enrolled students who are enrolled in online classes access to facilities for such students to participate in an online course during the regular school day.

Utah Admin. Rules R277-726-6(9) (May 11, 2022)

Students Eligible for Fee Waiver—

If an enrolled student is eligible for fee waiver, District schools shall provide the student access to an online course by either allowing the student access to necessary technology to participate in the online course in a computer lab or other space within the school building during a school period or during the regular school day or by providing the student with the technology and wifi needed to participate in the online course outside of the school building.

Utah Admin. Rules R277-726-6(8) (May 11, 2022)

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Coordinating Services for School-Age Youth

Evidence of Licensing Authority for Resident Students—

Any human services program which serves students of the school district who are subject to compulsory education or otherwise entitled to educational services as a student with disabilities must provide an educational services plan that includes evidence satisfactory to the Board of Education that the students served shall receive appropriate educational services under the applicable laws.

Utah Code § 62A-2-108.1(2) (2019)

Standards for Accepting Educational Services Plan—

An Educational Services Plan must include the following information provided by the human services program:

1. the number of children served by the human services program estimated to be enrolled in the District;
2. the ages and grade levels of children served by the human services program estimated to be enrolled in the District;
3. the subjects or hours of the school day for which children served by the human services program are estimated to enroll in the District;
4. the direct contact information for the purposes of taking custody of a child served by the human services program during the school day in case of illness, disciplinary removal by a school, or emergency evacuation of a school; and
5. the method or arrangements for the transportation of children served by the human services program to and from the school.

The Educational Services Plan, in order to obtain approval for licensing, must also include the following information provided by the District:

1. enrollment procedures and forms;
2. documentation required prior to enrollment from each of the child's previous schools of enrollment;
3. if applicable, a schedule of the costs for tuition and school fees; and
4. schools and services for which a child served by the human services program may be eligible.

Utah Code § 62A-2-108.1(3) (2019)

Evidence of licensure for Students Whose Guardian or Parent Resides Outside of Utah—

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If the human services program serves any children whose custodial parent(s) or legal guardian(s) resides outside the state, then the program shall also provide evidence satisfactory to the Board of Education, in addition to licensure, that all costs for educational services to be provided for those students, including tuition and school fees approved by the local school board, shall be borne solely by the program.

Utah Code § 62A-2-108.1(4) (2019)

If the Board finds the evidence of licensure and costs to be satisfactory, then within thirty (30) days, the Board shall issue a letter of approval to the provider of services. Failure to respond to a proposed plan within forty-five (45) days may be deemed as acceptance.

Utah Code § 62A-2-108.1(5), (6) (2019)

If the Board finds the evidences of licensure and/or costs to be unsatisfactory, then within thirty (30) days the Board shall issue a letter of disapproval that states the specific requirements the program must meet to obtain approval status. A copy of the letter shall also be provided to the licensing authority. Failure to respond to a proposed plan within forty-five (45) days may be deemed as acceptance.

Utah Code § 62A-2-108.1(5), (6) (2019)

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Admissions and Attendance:
Truancy Support Centers

Truancy Support Centers—

The Board may establish truancy support centers within existing school buildings for receipt of truant children and/or students suspended or expelled from school. The centers shall be staffed with existing teachers or staff to provide assessment of the student's needs and abilities, support for the parents and student through counseling and community programs and tutoring for the student during the time spent in the center. Upon receipt of a truant child, the center staff shall, without unnecessary delay, notify and direct the child's parent to come to the center, pick up the child and return the child to the child's school. If the parent cannot be reached or is unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to ensure the safety and well-being of the child. If appropriate, the center shall return the child to school or refer him or her to the Division of Child and Family Services. The center shall report the actions taken to the District, which shall then promptly notify the child's parent of the action taken.

For the suspended or expelled student, the truancy support center shall provide an educational setting, staffed with certified teachers and aides, to provide the student with ongoing educational programming appropriate to the student's grade level. In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent demonstrates that alternative arrangements have been made for the education or supervision of the student during the time of suspension or expulsion. The truancy support center may provide counseling and other support programming for students suspended or expelled from school and their parents.

Utah Code § 53G-6-208(5), (6) (2022)
Utah Code § 53G-6-209 (2018)

During the period from March 17, 2021 and June 1, 2022, the compulsory education requirements and truancy provisions may not be enforced, and minors may not be taken into custody for being truant.

Utah Code § 53G-6-202 (2021)
Utah Code § 53G-6-203(5)(b), (6) (2021)
Utah Code § 53G-6-208(1) (2022)

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Admissions and Attendance:
Re-Entry Into Public Schools

Students Returning from Private or Home Schools—

Students who have not been enrolled in public school but have been enrolled in private school or home school shall be admitted to the District's public school upon application to the District by the parents, subject to all eligibility requirements imposed by District policy and state and federal law and regulation.

Placement—

Students requesting re-admission from private schools or home schools shall be placed as follows:

Students returning from accredited private schools shall be placed according to the grade level and credits shown on the records from the prior school. Students returning from a non-accredited private school which is not a home school shall be evaluated using assessment tools regularly administered to students and placed according to the results of that assessment.

Students returning from a home school shall be placed in the grade level, classes, or courses that the student's parent, in consultation with the school administrator, determine are appropriate based on the parent's assessment of the student's academic performance. Within 30 days of placement, either the student's teacher or the student's parent may request a conference to consider changing the student's placement. If after conferring the teacher and the parent agree on a placement change, the change will be made. If disagreement remains about a placement change, then the student's subject matter mastery shall be evaluated. The parent may choose either (a) to have the school evaluate the student using assessments that are regularly administered to public school students and used to measure subject matter mastery and determine placement, or (b) to have a private entity or individual evaluate the student with subject matter assessments at the parent's expense. After a student's subject matter mastery has been evaluated, the school may change the student's placement in a grade level, class, or course.

Utah Code § 53G-6-706 (2019)

Graduation Requirements—Students entering the 9th, 10th, 11th, or 12th grade levels after participation in home or private school will be required to fulfill all graduation requirements in order to receive a diploma. The District will not accept home education as credit toward graduation. The District will accept credit toward graduation from an accredited regularly established private school.

Students may fulfill graduation credits by successfully completing courses required for credit (including approved on-line or correspondence course work), by transfer of credits from accredited schools or providers, or by demonstrating proficiency via assessment tests or evaluation of student work or projects. Student

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work completed as part of home education may be evaluated for credit purposes, subject to documentation of compliance with Utah Code § 53G-6-204.

Utah Admin. Rules R277-705-3 (February 28, 2018)

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FDA

Health Requirements and Services
Vision Screening

Vision Screening at Enrollment—

A child under nine years old entering a public school for the first time in this state must present one of the following to the school:

1. A completed vison screening form signed by a health care professional certifying that the child has received an adequate vision screening; or
2. A written statement signed by a parent that the child will not be screened before attending public school in the state.

The District shall conduct free vision screening clinics for children who are at least 3 1/2 years old but not yet 16 years old who enrolled at a school within the boundaries of the District pursuant to Utah Code § 53G-9-404.

A volunteer who serves as a vision screener for a free vision screening clinic for a qualifying child must be either trained by a school nurse or complete the Department of Health online training module and must be supervised by a school nurse or an outside entity conducting screening for the District consistent with Department of Health regulations. A vision screening volunteer may not market, advertise, or promote a business in connection with assisting at the screening clinic.

Screening provided under this policy shall follow the procedures and standards set out in Utah Administrative Rules R384-201.

Utah Code § 53G-9-404 (2019)
Utah Admin. Rules R384-201 (July 9, 2020)

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Health Requirements and Services
Immunizations

Definitions—

The following definitions apply within this policy:

1. "Enroller" means an individual who enrolls a student in a public school.
2. "Immunization record" means a record relating to a student that includes:
   a. Information regarding each required vaccine that the student has received, including the date each vaccine was administered, and which is verified by one of the following: a licensed health care provider, a registered nurse, a pharmacist, an authorized representative of a local health department, or an authorized representative of the Utah Department of Health and Human Services; and
   b. Information regarding each disease against which the student has been immunized by previously contracting the disease; and
   c. An exemption form identifying each required vaccination from which the student is exempt.
3. "Legally responsible individual" means:
   a. The student's parent, legal guardian, or (if the student does not have a legal guardian) an adult brother or sister of the student; or
   b. The student, if the student is an adult or is a minor who may give consent under Utah Code § 26-10-9 (which identifies certain minors who may consent to vaccinations and examinations for school attendance).
4. "Licensed health care provider" means a health care provider licensed by the Division of Occupational and Professional Licensing of the Utah Department of Commerce as a medical doctor, an osteopathic doctor, a physician assistant, or an advance practice registered nurse.
5. "Local health department" means the same as that term is defined in Utah Code § 26A-1-102.
6. "Newcomer student" means a student who is three through 21 years old, was not born in any state, and has not attended one or more schools in one or more states for more than three full academic years.
7. "Required vaccine" means a vaccine required by the Utah Department of Health and Human Services as a condition of attending school.
8. "Social service provider" means one of the following persons licensed to practice under Utah Code § 58-60-205 or staff employed to provide direct support to one of these persons:

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a. A clinical social worker;
b. A certified social worker;
c. A certified social worker intern; or
d. A social service worker.

9. "Vaccination exemption form" means a form established by the Utah Department of Health and Human Services and which documents and verifies that a student is exempt from the requirement to receive one or more vaccines.

Utah Code § 53G-9-301 (2022)
Utah Code § 53G-6-603(1)(b) (2022)
Utah Code § 53G-9-308(1) (2022)
Utah Code § 53E-3-524(1)(a), (d) (2022)

Immunization Required for School Admission—

Except for the circumstances specified elsewhere in this policy, a student may not attend a school in the District unless the school has received an immunization record from a permitted source (which are the legally responsible individual of the student, the student's former school, or a statewide registry) that shows either that the student has received all required vaccinations or that the student has immunity from the disease for which the vaccination is required or that the student is exempt from receiving the vaccination.

Utah Code § 53G-9-302(1) (2018)
Utah Admin. Rules R396-100-3 (January 13, 2020)

Obtaining and Maintaining Immunization Records—

Each school shall request an immunization record for each student at the time the student enrolls in the school and shall retain the immunization record as part of the student's permanent school record.

Utah Code § 53G-9-306(1) (2022)

Within five business days after a student enrolls in a school, a person designated by the principal or other administrator shall determine whether the school has received an immunization record for the student, shall review the student's immunization record for compliance with the requirements for that record, and shall identify any deficiencies in the immunization record.

Utah Code § 53G-9-306(2)(a) (2022)

Each school shall maintain a current list of all enrolled students which notes:

1. Each student for whom the school has received a valid and complete immunization record;
2. Each student who is exempt from receiving a required vaccine;
3. Each student who is attending school under conditional enrollment; and

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4. For each student, each disease against which the student is not immunized.

Utah Code § 53G-9-309(1), (2) (2022)

The student names on this immunization list are confidential and private information and, notwithstanding the requirements of GRAMA, may only be released as provided for in Utah Code Title 26B or Utah Code § 53E-9-202.

Utah Code § 53G-9-309(4) (2022)
Utah Code § 53E-9-202 (2019)
Utah Code § 26B-1-212 (2022)

The District and district schools may share a student immunization record or other records relating to vaccination or immunization with other schools or school districts and with local and state health departments and the Utah Department of Human Services as necessary to ensure compliance with student immunization requirements and to prevent, investigate, and control the causes of epidemic, infectious, communicable, and other diseases affecting the public health.

Utah Code § 26B-1-212 (2022)

Upon request, a school shall provide a student's immunization record to a new school to which a student transfers (this does not require consent of the student's legally responsible individual).

Utah Code § 53G-9-306(3) (2022)

Exemptions—

Vaccination with required vaccines is not a prerequisite for admission to the District schools if the student qualifies for a medical or personal exemption to the vaccination requirement.

1. A student qualifies for the medical exemption if the student's legally responsible individual provides the school with:
   a. A completed vaccination exemption form and
   b. A written notice signed by a licensed health care provider stating that, due to the physical condition of the student, administration of the vaccine would endanger the student's life or health.
2. A student qualifies for the personal exemption if the student's legally responsible individual provides the school with a completed vaccination form stating that the student is exempt from the vaccination because of a personal or religious belief.

A vaccination exemption form is valid for as long as the student remains at the school to which the form is first presented. If the student changes schools before the student is old enough to enroll in kindergarten, the form accepted as valid at the student's previous school is valid until the earlier of the day on which the student enrolls in kindergarten or turns six years old. If the student changes schools after the student is old enough to enroll in kindergarten but before the student is eligible to enroll in grade 7, the form accepted as valid at the student's previous school is valid

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until the earlier of the day on which the student enrolls in grade 7 or turns twelve years old. (However, regardless of a school change before grade 7 or age twelve, an exemption form obtained through the online education module is valid for at least 2 years.) If the student changes schools after the student is old enough to enroll in grade 7, the form accepted as valid at the student's previous school is valid until the student completes grade 12. If the school offers both remote and in-person learning options, a student with a vaccination exemption may not be denied the opportunity to participate in in-person learning based on the student's vaccination status.

Utah Code § 53G-9-303 (2021)

Conditional Enrollment—

If upon review it is determined that the school has not received an immunization records for a newly enrolled student, or that there are deficiencies in the immunization record, the school shall place the student on conditional enrollment and within five days of doing so provide notice to the student's enroller. This notice shall state that the student has been placed on conditional enrollment for failing to meet the immunization record requirements, shall describe the deficiencies in the immunization record or state that no immunization record has been provided, shall give notice that the student will not be allowed to attend school unless a compliant record is provided or the deficiencies are cured within the conditional enrollment period, and shall describe the process for obtaining a required vaccination. When possible, the notice shall be delivered in the enroller's preferred language and using one of the following methods as determined by mutual agreement between the enroller and the school: written notice delivered in person, written notice by mail, written notice by email or other electronic means, or telephone (including voice mail).

Utah Code § 53G-9-306(2)(b) (2022)
Utah Code § 53G-9-308(3) (2022)

If the school receives a compliant immunization record within the conditional enrollment period, the student shall remove the conditional enrollment status. Unless an extension is granted as provided below, if the record is not provided within the conditional enrollment period, the student shall be prohibited from attending the school.

Utah Code § 53G-9-308(4), (5) (2022)

The conditional enrollment period is the time period during which the student's immunization record is under review by the school or 30 calendar days after the school provides notice of the lack of or a deficiency in an immunization record. The student must begin receiving required immunizations within 30 calendar days of school enrollment. Where the student is receiving multiple doses of a required vaccine, the principal or other administrator shall extend the conditional enrollment period by the amount of time medically recommended to complete all required vaccination dosages. The principal or other administrator may grant an extension of the conditional enrollment period in extenuating circumstances if there is agreement between the administrator one of the following that an extension will

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likely lead to compliance with the immunization record requirement: a school nurse, a health official, or a health official designee (including a social service provider or a culturally competent and trauma-informed community representative). A newcomer student enrolling in a school for the first time constitutes an extenuating circumstance.

Utah Code § 53G-9-308(2), (6) (2022)
Utah Admin. Rules R396-100-7 (January 13, 2020)

Conditional Enrollment of Military Child—

A military child who at the time of school enrollment has not been completely immunized against each specified disease may attend under a conditional enrollment, and shall be given 30 days from the day of enrollment to obtain:

1. each specified vaccine if the specified vaccine only requires one dose; and
2. at least the first dose of a specified vaccine, if the specified vaccine is a series of vaccines.

Except as provided above, a military child is subject to rules developed by the Utah Health Department in accordance with Utah Code § 53G-9-305.

Utah Code § 53E-3-905(3) (2018)

Action Upon Disease Outbreak—

In the case of a disease outbreak, the school principal or other administrator shall, upon the request of an official from a local health department, take the following steps:

1. Identify each student who is not immune to the outbreak disease;
2. Notify the legally responsible individual of any such student, providing information regarding steps the legally responsible individual may take to protect students; and
3. For a period determined by the local health official, but not to exceed the duration of the disease outbreak, do one of the following at the discretion of the principal or other administrator after obtaining approval from the local health department:
    a. Provide a separate educational environment for non-immune students that ensures the protection of those students and of the remainder of the student body; or
    b. Prevent non-immune students from attending school.

    Utah Code § 53G-9-309(3) (2022)

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Health Requirements and Services
Medical Treatment

School Consent to Medical Treatment—

The school in which a minor student is enrolled may consent to medical treatment of that student, provided:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.

Utah Code § 78B-3-406(6)(c) (2021)

Form of Consent—

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment.

Administering Medication—

Employees of the District may administer medication to a student during periods when the student is under the control of the school, subject to the following conditions:

1. The District has received a current written and signed request to administer the medication during regular school hours to the student from the parent or other person having legal control of the student.
2. The student's physician, dentist, nurse practitioner or physician assistant has provided a signed statement describing the method, amount, and time schedule for administration, and a statement that administration of medication by school employees during periods when the student is under the control of the school is medically necessary.
3. Oral, topical, and inhalant medication may be administered by assigned school personnel. Medications requiring other routes of administration will not be given by school personnel except in emergency situations, with the exception of glucagon, see policy below. In non-emergency situations, medications requiring other routes of administration must be given by a registered nurse, with the exception of glucagon, see policy below.
4. All medication that is to be given at school, with the exception of medication that is required in an emergency situation, must be furnished by the parent and delivered to the school by a responsible adult.
5. All prescription medication must be in the original container labeled by the pharmacy with the name of the student, the name of the physician, the name

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of the medication, the amount to given (dose), and the duration of the treatment. Over-the-counter drugs must be in the original bottle and labeled with the student's name.

6. All medication provided to the school is to be kept in a secure location.
7. Insofar as possible, one person should be assigned the responsibility of administering student medication.
8. A record including the type of medication, amount, and the time and day it was administered should be kept for each student receiving medication at school. The person administering the medication should sign the record each time medication is given.
9. Elementary and middle school students are not to carry or self-administer medication on school premises unless it has been authorized under Policy FDACB (for diabetes medication) or FDACC (for epinephrine) or Policy FDACD (for asthma medication) or is expressly ordered by the student's physician because of potentially life-threatening circumstances, including, but not limited to, asthma medication, diabetes medication, glucagon and epinephrine.
10. Authorization for administration of medication by school personnel may be withdrawn by the school at any time following actual notice to the student's parent.
11. School personnel who provide assistance under this policy in substantial compliance with the physician's or dentist's written statement and the District are not liable, civilly or criminally, for any adverse reactions suffered by the student as a result of taking the medication or discontinuing the administration of the medication pursuant to this policy.

Utah Code § 53G-9-502 (2019)

The Board shall consult with the Department of Health and other health professionals to determine:

1. Designation of employees who may administer medication.
2. Proper identification and safekeeping of medication.
3. Training of designated employees.
4. Maintenance of records of administration.

Utah Code § 53G-9-502(1)(a) (2019)

Administration of Glucagon—

The following provisions govern administration of glucagon in place of the provisions set forth above under "Administering Medication." A glucagon authorization shall include a signed statement from a parent of a student with diabetes:

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1. Certifying that glucagon has been prescribed for the student;
2. Requesting that the student's public school identify and train school personnel who volunteer to be trained in the administration of glucagon; and
3. Authorizing the administration of glucagon in emergency situations to the student.

After receiving a glucagon authorization from a student's parent, the school shall:

1. Within a reasonable time, train two or more school personnel who volunteer to be trained in the administration of glucagon, with training provided by the school nurse or another qualified, licensed medical professional;
2. Allow all interested personnel to receive training in the administration of glucagon. Training in the administration of glucagon shall include:
   a. Techniques for recognizing the symptoms that warrant the administration of glucagon;
   b. Standards and procedures for the storage and use of glucagon;
   c. Other emergency procedures, including calling the emergency 911 and contacting, if possible, the student's parent.
3. Retain for reference the written materials prepared for training personnel;
4. Permit a student and/or school personnel to possess or store prescribed glucagon so that it will be available for administration in an emergency;

A person who has received glucagon administration training may administer glucagon at a school or school activity to a student with a glucagon authorization if:

1. The student is exhibiting the symptoms that warrant the administration of glucagon; and
2. A licensed health care professional is not immediately available.

A person who administers glucagon in accordance with this policy shall direct a responsible person to call 911 and take other appropriate actions in accordance with his or glucagon administration training.

School personnel who provide or receive training under this policy and pursuant to Utah Code § 53G-9-504 and act in good faith are not liable in any civil or criminal action for any act taken or not taken under the authority of § 53G-9-504 with respect to the administration of glucagon.

Utah Code § 53G-9-504 (2019)
Utah Code § 53G-9-502(4) (2019)

Administration of Seizure Rescue Medication—

The following provisions govern administration of seizure rescue medication in place of the provisions set forth above under "Administering Medication." "Seizure

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rescue medication" is medication prescribed by a health care professional which is given as set out in a student's rescue seizure authorization while a student is experiencing seizure activity. It does not include medication given intravenously or intramuscularly.

A "seizure rescue authorization" is a student's Section 504 accommodation plan which:

1. Certifies that
    a. A prescribing health care professional has prescribed a seizure rescue medication for the student; and
    b. The student's parent has previously administered the student's seizure rescue medication without complication in a setting outside of medical supervision; and
    c. The student has previously ceased having full body prolonged or convulsive seizure activity as a result of receiving the seizure rescue medication; and
2. Describes the specific seizure rescue medication authorized for the student, including the indicated dose and instructions for administration; and
3. Requests that the student's school identify and train school personnel who volunteer to be trained to administer seizure rescue medication; and
4. Authorizes a trained school employee volunteer to administer seizure rescue medication to the student.

After receiving a seizure rescue authorization from a student's parent, the school shall:

1. Inform school employees of the opportunity to be a school employee volunteer to administer seizure rescue medication;
2. Provide for training of each volunteer in the administration of seizure rescue medication, with training provided by the school nurse or another qualified, licensed medical professional. The training shall be according to the program developed by the Utah Department of Health, which will include:
    a. Techniques for recognizing the symptoms that warrant the administration of a seizure rescue medication;
    b. Standards and procedures for the storage of a seizure rescue medication;
    c. Other emergency procedures, including calling 911 and contacting the student's parent or guardian;
    d. An assessment to determine competency to administer seizure rescue medication;
    e. An annual refresher training component; and

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f. Written materials describing this information.

3. Retain for reference the written materials prepared for training personnel; and
4. Permit school personnel to possess or store prescribed seizure rescue medication so that it will be available for administration.

A volunteer school employee who has received the required training may administer seizure rescue medication to a student with a seizure rescue authorization if:

1. The student is exhibiting a symptom, described on the student's seizure rescue authorization, that warrants the administration of a seizure rescue medication; and
2. A licensed health care professional is not immediately available.

A person who administers a seizure rescue medication in accordance with this policy shall direct a responsible person to call 911 and take other appropriate actions in accordance with the seizure rescue medication administration training.

A volunteer school employee who in good faith administers a seizure rescue medication in accordance with this policy and Utah Code § 53G-9-505 is not liable in a civil or criminal action for an act taken or not taken under that authority.

Policy FHA, Safe Schools, and Policy FHAA, Safe Schools: Alcohol and Drugs do not apply to the possession of a seizure rescue medication.

Utah Code § 53G-9-505 (2019)
Utah Code § 53G-9-502(4) (2019)

Seizure Awareness Training—

"Seizure awareness training" is training on recognizing the signs and symptoms of seizures and appropriate training for seizure first aid. This training shall be offered every two years and shall follow guidelines for such training established by the State Board of Education. The training may not require a person who has received the training to provide first aid to a student experiencing or showing symptoms of a seizure.

Utah Code § 53G-9-213(1)(b), (3), (4) (2022)

Beginning with the 2022-2023 school year, whenever a student has informed the student's teacher or school that the student has epilepsy or a similar seizure disorder, the student's teacher(s) and the administrator of the school where the student attends shall be provided seizure awareness training.

Utah Code § 53G-9-213(1)(a) (2022)

Beginning with the 2023-2024 school year, all District administrators, teachers, classroom aides and other individuals who interact with or supervise students shall be given seizure awareness training.

Utah Code § 53G-9-213(2) (2022)

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The fact that a District employee has received seizure awareness training does not impose on such an employee an obligation to provide first aid to a student experiencing or showing symptoms of a seizure.

Utah Code § 53G-9-213(4) (2022)

Civil Liability Immunity—

School personnel shall substantially comply with the health care professional's written statement in order that they and the District and Board may take full advantage of the immunity from liability granted under Utah Code § 53G-9-502(3).

Utah Code § 53G-9-502(3) (2019)

Application of Sunscreen—

If a student is unable to self-apply sunscreen, a volunteer school employee may apply the sunscreen on the student if the student's parent provides written consent for that assistance. If such consent has been given, neither the volunteer school employee nor the District are liable for an adverse reaction suffered by the student as a result of sunscreen application or for discontinuing the application of sunscreen at any time.

Utah Code § 53G-9-208(3), (4) (2020)

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Do Not Resuscitate Directives

Background—

In very isolated situations, a child who is terminally ill may be enrolled and actively participating in a public school. This policy sets forth what school personnel may and must do if a student subject to a "do not resuscitate" (DNR) directive faces a life-threatening medical emergency.

The law provides that a "POLST order" executed pursuant to Utah Code § 75-2a-106 may be directed to health care providers or emergency medical service providers licensed or certified under Utah Code Title 26, Chapter 8a. A POLST order gives direction to health care providers, health care facilities, and emergency medical services providers regarding the specific health care decisions of the individual to whom the order relates. The law further provides that those licensed or certified emergency medical providers may be directed to withhold or withdraw all life-sustaining procedures. Professionals licensed pursuant to Utah Code § 26-8a-302 include paramedics, advanced emergency medical service technicians, emergency medical services technicians, and behavioral emergency services technicians. Such professionals are granted immunity from liability for complying in good faith with a POLST order. Such professionals are also granted immunity for providing life-sustaining treatment notwithstanding a contrary directive in a POLST order.

Utah Code § 26-8a-302 (2022)
Utah Code § 75-2a-103(20) (2022)
Utah Code § 75-2a-106 (2021)

Policy—

1. Medical service providers who are school employees may have responsibilities related to the treatment or withholding of treatment for persons for whom a valid POLST order has been issued pursuant to Utah Code § 75-2a-106. Such providers may act in good faith to exercise their judgment with regard to complying with a POLST order to withhold or withdraw life-sustaining treatment or to provide life-sustaining treatment despite a contrary directive in the order.
2. With the exception of situations governed by paragraph 1, above, it is the policy of the District that first aid shall be provided to any and all students in need of such assistance while under the control and/or supervision of the District. POLST orders will not be followed by school district staff who are not licensed under Section 26-8a-302.
3. When a school employee or volunteer observes or becomes aware of a medical emergency involving a student, normal responsive actions should be taken, including the summoning of emergency medical personnel and administering first aid.

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4. This should be done by school staff irrespective of whether a POLST order is in place and has been provided to the school with respect to that particular student.

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Health Requirements and Services: Student Self-Treatment for Diabetes

Student Self-Administration of Diabetes Medication

Under Policy FDAC, elementary and middle school students are prohibited from carrying or self-administering medication on school premises except in certain limited circumstances. However, elementary and middle school students may carry and self-administer prescription or non-prescription diabetes medications provided that the school has been provided a parent authorization statement and a health care provider statement as provided below.

The written parent statement must state that the parent authorizes the student to have and self-administer the diabetes medication and must acknowledge that the student is responsible for, and capable of, possessing and self-administering the diabetes medication.

The health care provider statement must specifically identify the prescription or nonprescription diabetes medication authorized for the student's use and must state that it is medically appropriate for the student to possess or possess and self-administer the diabetes medication and that the student should be in possession of diabetes medication at all times.

If the medication is to be stored other than on the student's person, the student or parent shall inform the school nurse or administration where the medication will be kept to enable access for emergency use.

The student shall only use prescription diabetes medication as directed by a health care provider's written orders and shall use non-prescription diabetes medication in accordance with the manufacturer's instructions.

Utah Code § 53G-9-506 (2019)

Medication Sharing Prohibited

No student is permitted to sell, share, or otherwise give to others any medication, prescription or non-prescription. Violations of this policy are subject to disciplinary action under the school's drug policies.

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Health Requirements and Services
Students with Potentially Life Threatening Allergies

Parent's or Legal Guardian's Responsibility—

The student's parent or guardian has the primary duty to inform school authorities about the child's potentially life-threatening medical condition(s) upon registration of the child or upon medical diagnosis of the medical problem. Therefore, the student's parent or guardian shall:

1. Annually notify, in writing, the school of the child's allergies and, if not already on file with the school, provide written physician verification of the child's allergies.
2. Work with the school to develop a plan that accommodates the child's needs, including an Allergy Emergency Response Plan. In the case of a child's potentially life threatening food allergy, develop a Student Food Allergy Action Plan with the appropriate school staff.
3. Provide written documentation, instructions, and medications as directed by a physician, using the Allergy Emergency Response Plan as a guide. Include a current photo of the child on the written form.
4. Provide properly labeled medications and replace medications after use or upon expiration.
5. Educate the child in self-management of their allergy, including, where applicable:
   a. safe and unsafe foods;
   b. strategies for avoiding exposure to unsafe foods, including how to read food labels (age appropriate);
   c. symptoms of allergic reactions;
   d. how and when to tell an adult that the child may be having an allergy-related problem.
6. Review the Student Food Allergy Action Plan and Allergy Emergency Response Plan with the appropriate school staff, the child's physician, and the child (if age appropriate) after a reaction has occurred.
7. Provide emergency contact information, including the name, phone number, fax number, and address of the student's treating physician.

School's Responsibility—

1. Registration procedures shall enquire as to whether or not a student has medical problems of which the school should be aware.

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2. Review the health records and/or information submitted by parents and physicians.
3. In developing a reasonable accommodation of the student with a potentially life-threatening food allergy, the following guidelines are recommended:
   a. The school principal or principal's designee, classroom teacher(s), the parent(s) or legal guardian, the student (as age appropriate) and a District nurse or other qualified person should develop the Student Food Allergy Action Plan. Other persons may be involved as determined to be necessary. In addition, the child's physician should review the Student Food Allergy Action Plan.
   b. Consideration in the Student Food Allergy Plan shall be given to:
      i. elimination, whenever reasonably feasible, of allergens from meals, educational tools, arts and craft projects, and incentives;
      ii. education of the student, parent or guardian, community, staff, and food handlers;
      iii. appropriate standards of hygiene and maintenance for facilities and students;
      iv. classroom and school routines in light of the age, maturity, and ability of the student, and expectations regarding personal responsibility;
      v. emergency procedures and preparation for such;
      vi. procedure to be followed should a "dangerous" food product be brought to the classroom.
   c. Provide copies of the Allergy Emergency Response Plan to all staff who interact with the student on a regular basis, including substitute teachers.
   d. Enforce a "no eating" policy on school buses with exceptions made only to accommodate students with special nutritional needs.
4. Review the Student Food Allergy Action Plan and Allergy Emergency Response Plan with parent or guardian, student (as age appropriate) and physician after a reaction has occurred at school or a school-related activity, and consider whether the plans need to be modified.

Emergency Injection for Anaphylaxis—

In addition to students with known, potentially life-threatening allergies who have specific prescriptions for medication to respond to reactions, the following addresses the use of stock medications to treat reactions in others.

This policy does not create a duty or standard of care for a person to be trained in the use and storage of epinephrine auto-injectors, nor does it create a duty on the part of the District or a school to store epinephrine auto-injectors at a school (apart from the obligation to make an auto-injector available to trained individuals as

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set forth below). A decision to complete the training program described below and to make epinephrine auto-injectors available for emergency medical situations is voluntary. A school, school board, or school official may encourage a teacher or other school employee to volunteer for such training. A school, the school board, or a school official may not prohibit or dissuade a school employee from (a) being trained in use and storage of epinephrine auto-injectors, (b) possessing or storing an epinephrine auto-injector on school premises (if the employee is a qualified adult and the possession and storage is in accord with training), or (c) administering an epinephrine auto-injector (if the employee is a qualified adult and the administration is in accord with training).

Utah Code § 26-41-103 (2019)

Each primary and secondary school shall make initial and annual refresher training regarding the storage and emergency use of an epinephrine auto-injector available to any interested teacher or other school employee, who is at least eighteen (18) years of age, who volunteers for such training. The training may be provided by the school nurse, or other person qualified to provide such training, designated by the school district physician, the medical director of the local health department, or the local emergency medical services director.

A person who provides this training shall include instruction on:

1. techniques for recognizing symptoms of anaphylaxis;
2. standards and procedures for the storage and emergency use of an epinephrine auto-injector;
3. emergency follow-up procedures, including calling the emergency 911 number and contacting, if possible, the student's physician and a parent or guardian; and
4. written materials covering the information provided during training.

The volunteers shall retain for reference the written materials covering the information provided during training.

Utah Code § 26-41-104 (2019)

A teacher or other school employee who has received the above training regarding the storage and emergency use of an epinephrine auto-injector becomes a "qualified adult" and:

1. May obtain (along with the school nurse) from the school district physician, the medical director of the local health department, the local emergency medical services director, a physician, pharmacist, or any other person or entity authorized to prescribe or dispense prescribed medicines or drugs, a prescription for epinephrine auto-injectors;
2. May immediately administer an epinephrine auto-injector to a person exhibiting potentially life-threatening symptoms of anaphylaxis at school or a school activity when a physician is not immediately available;

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3. Shall initiate emergency medical services or other appropriate medical follow-up in accordance with the training materials after administering an epinephrine auto-injector.

Each primary or secondary school shall make an emergency epinephrine auto-injector available to any teacher or other school employee who is employed at the school and has become a "qualified adult." However, the school is not required to keep more than one emergency epinephrine auto-injector on the school premises so long as it may be quickly accessed by a teacher or other school employee who is a "qualified adult" in the event of an emergency.

Utah Code § 26-41-103(5) (2019)
Utah Code § 26-41-105 (2019)

A school may obtain a prescription for a supply of epinephrine auto-injectors for storage at the school and use by qualified adults if the school (a) designates an individual to complete an initial and annual refresher training program regarding the proper storage and emergency use of epinephrine auto-injectors and (b) stores the epinephrine auto-injectors according to Utah Department of Health standards.

Utah Code § 26-41-105(5) (2019)

The following, if acting in good faith, are not liable in any civil or criminal action for any act taken or not taken under the authority of § 26-41-101 et seq. with respect to an anaphylactic reaction: (a) a "qualified adult," (b) a person who conducts training regarding the emergency use and storage of epinephrine auto-injectors, and (c) the District or its schools.

Utah Code § 26-41-106 (2019)

Student's Responsibility —

The student will be proactive in the care and management of his or her food allergies and other reactions based upon the student's developmental level, including the following:

1. Should not trade or share food, utensils, or containers with others;
2. Should not eat anything with unknown ingredients or known to contain any allergen;
3. Should notify an adult immediately if he or she eats something the student believes may contain the food to which he or she is allergic.
4. Know the location of his/her epinephrine auto-injector, if applicable, or other emergency medications.
5. Wash hands before eating.

Student Self-Administration of Epinephrine Auto-Injector—

Under Policy FDAC, elementary and middle school students are prohibited from carrying or self-administering medication on school premises except in certain limited circumstances. However, elementary and middle school students may

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possess or possess and self-administer epinephrine auto-injectors provided that the student's parent or guardian has previously provided the school with a signed written request and written health care provider approval.

The written request must state that the parent or guardian authorizes the student to possess or possess and use the epinephrine auto-injector while acknowledging that the student is responsible for, and capable of, possessing or possessing and self-administering the epinephrine auto-injector.

The health care provider approval must state that the provider finds that it is medically appropriate for the student to possess or possess and self-administer an epinephrine auto-injector and the student should be in possession of the epinephrine auto-injector at all times. (The text of the Utah Department of Health form used for parental request and health care provider approval is provided at the end of this policy.)

Utah Code § 26-41-104(4) (2019)

Medication Sharing Prohibited—

No student is permitted to sell, share, or otherwise give to others any medication, prescription or non-prescription. Violations of this policy are subject to disciplinary action under the school's drug policies.

Resource Materials for Training—

Training materials and information, along with other resource material relating to emergency administration of epinephrine, are available at the following:

A Shot to Live, http://medicine.utah.edu/pediatrics/ashottolive/

Get Schooled in Anaphylaxis and CHIRP, http://www.choosehealth.utah.gov/prek-12/school-nurses/trainings/staff-training.php

Get Trained, http:/www.nasn.org/ToolsResources/FoodAllergyandAnaphylaxis/GetTrained

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SELF-ADMINISTRATION
EPINEPHRINE AUTO INJECTOR (EAI)
AUTHORIZATION FORM

Today's Date _____

_____
Student Name Birth Date

_____
Address City

Emergency Contact Information:
Name _____ Phone Number _____

Health Care Provider Authorization

The above named student is under my care. I feel it is medically appropriate for the student to self-administer Epinephrine Auto Injector (EAI) medication, when able and appropriate, and be in possession of EAI medication and supplies at all times.

The medication prescribed for this student is:

Name of Medication _____

Dosage _____

Possible side effects _____

_____

_____
Signature of Health Care Provider _____ Date _____

Parent/Guardian Authorization

☐ I authorize my child to carry and self-administer prescribed EAI medication and supplies as described above consistent with Utah Code Ann. § 26-41-104.

☐ I do not authorize my child to carry and self-administer this medication. Please keep my child's medication with appropriate school personnel.

My child and I understand there are serious consequences, which may include suspension, for sharing any medications with others.

_____
Parent/Guardian Signature Date

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Health Requirements and Services
Student Asthma Emergency

Definitions—

1. "Asthma action plan" means a written plan developed with a school, nurse, a student's parent or guardian, and the student's health care provider to help control the student's asthma which is signed by the student's parent or guardian and health care provider.
2. "Asthma emergency" means an episode of respiratory distress that may include symptoms such as wheezing, shortness of breath, coughing, chest tightness, or breathing difficulty.
3. "Qualified adult" means a person who is 18 years of age or older and who has successfully completed the Utah Department of Health training program described in this policy.
4. "Stock albuterol" means a prescription inhaled medication which is used to treat asthma and that may be delivered through a device, including an inhaler or a nebulizer with a mouthpiece or mask.

Utah Code § 26-41-102(2), (3), (6), (9) (2019)

Administration of Stock Albuterol for Asthma Emergency—

This policy does not create a duty or standard of care for a person to be trained in the use and storage of stock albuterol, nor does it create a duty on the part of the District or a school to store stock albuterol at a school, nor does it relieve a student's parent or guardian from providing a student's medication, nor does it create an expectation that a school will have stock albuterol available. A decision to complete the training program described below and to make stock albuterol available for asthma emergencies is voluntary. A school, school board, or school official may encourage a teacher or other school employee to volunteer for such training. A school, the school board, or a school official may not prohibit or dissuade a school employee from (a) being trained in use and storage of stock albuterol, (b) possessing or storing stock albuterol on school premises (if the employee is a qualified adult and the possession and storage is in accord with training), or (c) administering stock albuterol (if the employee is a qualified adult and the administration is in accord with training).

Utah Code § 26-41-103 (2019)

Each primary and secondary school shall make initial and annual refresher training regarding the storage and emergency use of stock albuterol available to any interested teacher or other school employee, who is at least eighteen (18) years of age, who volunteers for such training. The training will be provided by the Utah Department of Health.

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The training will include instruction on:

1. techniques for recognizing symptoms of an asthma emergency;
2. standards and procedures for the storage and emergency use of a stock albuterol;
3. emergency follow-up procedures, and contacting, if possible, the student's parent; and
4. written materials covering the information provided during training.

The volunteers shall retain for reference the written materials covering the information provided during training.

Utah Code § 26-41-104.1 (2019)

A teacher or other school employee who is a "qualified adult":

1. May obtain (along with the school nurse) from the school district physician, the medical director of the local health department, the local emergency medical services director, a physician, pharmacist, or any other person or entity authorized to prescribe or dispense prescribed medicines or drugs, a prescription for stock albuterol;
2. May, when a school nurse is not immediately available, immediately administer stock albuterol to a person who (a) has a diagnosis of asthma by a health care provider, (b) has a current asthma action plan on file with the school, and (c) is showing symptoms of an asthma emergency as described in the student's asthma action plan;
3. Shall initiate appropriate medical follow-up in accordance with the training materials after administering stock albuterol.

Each primary or secondary school may make stock albuterol available to any teacher or other school employee who is employed at the school and has become a "qualified adult."

Utah Code § 26-41-103(6) (2019)
Utah Code § 26-41-105 (2019)

A school may obtain a prescription for a supply of stock albuterol for storage at the school and use by qualified adults if the school (a) designates an individual to complete an initial and annual refresher training program regarding the proper storage and emergency use of stock albuterol and (b) stores the stock albuterol according to Utah Department of Health standards.

Utah Code § 26-41-105(5) (2019)

The following, if acting in good faith, are not liable in any civil or criminal action for any act taken or not taken under the authority of Utah Code § 26-41-101 et seq. with respect to an asthma emergency: (a) a "qualified adult," (b) a person who conducts training regarding the emergency use and storage of stock albuterol, and (c) the District or its schools.

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Utah Code § 26-41-106 (2019)

Student Self-Administration of Asthma Medication—

Under Policy FDAC, elementary and middle school students are prohibited from carrying or self-administering medication on school premises except in certain limited circumstances. However, elementary and middle school students may possess or possess and self-administer asthma medication provided that the school has been provided a parent authorization statement and a health care provider statement as provided below.

The written parent or guardian statement must state that the parent or guardian authorizes the student to possess or possess and use the asthma medication and must acknowledge that the student is responsible for, and capable of, possessing or possessing and self-administering the asthma medication.

The written health care provider statement must state (1) the name of the asthma medication prescribed or authorized for the student's use and (2) that it is medically appropriate for the student to self-administer asthma medication and to be in possession of asthma medication at all times the epinephrine auto-injector at all times.

(When available, the Utah Department of Health forms for the parent and health care provider statements shall be used.)

Utah Code § 26-41-104.1(4), (5) (2019)

Medication Sharing Prohibited—

No student is permitted to sell, share, or otherwise give to others any medication, prescription or non-prescription. Violations of this policy are subject to disciplinary action under the school's drug policies.

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Health Requirements and Services: Medical Recommendations by School Personnel to Parents

Medical Recommendations by School Personnel Testing

School employees may provide information and observations to a student's parents about the student's:

1. progress;
2. health and wellness;
3. social interactions; and/or
4. behavior.

School employees may complete a behavioral health evaluation form if requested by a student's parent to provide information to a licensed physician or physician assistant.

In addition, a school employee may communicate information and observations between school personnel regarding a student. School employees may also refer a student to other appropriate school personnel and agents, including referrals and communication with a school counselor or other mental health professionals working within the school.

If a school employee believes a student is at risk of (a) attempting suicide, (b) physical self-harm, or (c) harming others, then the employee may question the student about the suicidal thoughts, self-harming behavior, or thoughts of harming others in order to refer the student to appropriate prevention services and to inform the student's parent. However, the questioning shall be limited to that which is necessary for referral to prevention services or to make the parent aware of the perceived risk. (See Policy FEA)

Utah Code § 53E-9-203(7) (2022)

If a school employee believes that a situation exists which presents a serious threat to the well-being of a student, that employee shall notify the student's parent without delay. The school employee may consult or use appropriate health care professionals in the event of an emergency while the student is at school, consistent with the student emergency information provided at student enrollment.

The school shall notify the parent of a student who:

1. threatens to commit suicide; or
2. is involved in an incident of bullying, hazing, abusive conduct, cyber-bullying, or retaliation (whether as a victim or as a perpetrator).

The school shall produce and maintain a record that verifies that the parent was notified of the threats or incidents listed above. The record is a private record for purposes of the Government Records Access and Management Act.

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The process for notifying a parent shall consist of:

1. The school principal or designee shall attempt to make personal contact with a parent when the school has notice of a threat or incident listed above. It is recommended that the parent be informed of the threat or incident with two school people present. If personal contact is not possible, the parent may be contacted by phone. A second school person should witness the phone call.
2. Contact with the parent must be documented in a "Verification of Parent Contact Regarding Threat or Incident."

(A copy of the "Verification of Parent Contact Regarding Threat or Incident" is attached below.) Subject to laws regarding confidentiality of student educational records, at the request of a parent, a school may provide information and make recommendations related to an incident or threat.

Utah Code § 53G-9-203 (2019)
Utah Code § 53G-9-604 (2019)

The record of parental notification shall be maintained in accordance with Policy FE, Policy FEA, Title 53E, Chapter 9, Part 3, Student Data Protection, Title 53E, Chapter 9, Part 2, Student Privacy, and the Federal Family Educational Rights and Privacy Act ("FERPA"). A copy of the record of parental notification shall upon request be provided to the student to whom the record relates. After the student has graduated, the District shall expunge the record of parental notification upon request of the student.

Utah Code § 53G-9-604 (2019)

Schools Cannot Require Students to Take a Specific Medication or Treatment

School employees shall not require that a student take or continue to take a specific medication, whether over-the-counter or prescription medicine, as a condition for attending school.

This policy does not include immunizations against communicable diseases as required by the Department of Health as a prerequisite to school attendance. See Policy FDAB.

School employees may not:

1. recommend to a parent that a student take or continue to take a psychotropic medication;
2. require that a student take or continue to take a psychotropic medication as a condition for attending school;
3. recommend that a parent seek or use a type of psychiatric or psychological treatment for a student;
4. conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a student, except when

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necessitated to meet the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., and its subsequent amendments; or

5. make a child abuse or neglect report to authorities, including the Division of Student and Family Services, solely or primarily on the basis that a parent refuses to consent to:
   a. a psychiatric, psychological, or behavioral treatment for a student, including the administration of a psychotropic medication to a student; or
   b. a psychiatric or behavioral health evaluation of a student.
      i. However, school employees may make a report that would otherwise be prohibited under Subsection (5) if failure to take the action described under Subsection (5) would present a serious, imminent risk to the student's safety or the safety of others.

Utah Code § 53G-9-203 (2019)

School Mental Health Professionals and Counselors Can Recommend Treatment or Evaluation

A school counselor or other mental health professional acting in accordance with the Mental Health Professional Practice Act, or licensed through the State Board of Education, working within the school system may:

1. recommend, but not require, a psychiatric or behavioral health evaluation of a student;
2. recommend, but not require, psychiatric, psychological, or behavioral treatment for a student;
3. provide to a parent, upon the specific request of the parent, a list of three or more health care professionals or providers, including licensed physicians, psychologists, or other health specialists; and
4. conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a student; however, prior written consent of the student's parent and a two-week minimum notification period are required prior to conducting the behavioral health evaluation or mental health screening, test, evaluation, or assessment. A parent may waive the two week minimum notification period. However, this written consent and notice is not required before questioning a student believed to be at risk of suicide, physically self-harming behavior, or harming others to the extent needed for referral to appropriate prevention services and to notify the parent of the perceived risk. See Policy FEA.

Utah Code § 53G-9-203 (2019)
Utah Code § 53E-9-203(7) (2022)

Training and Discipline

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Each school shall provide training to the appropriate personnel on the proper application of this policy. An intentional violation of this policy shall be dealt with according to the provisions of Policy DHA—Orderly School Termination for Employees.

Utah Code § 53G-9-203 (2019)

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VERIFICATION OF PARENT CONTACT REGARDING THREAT OR INCIDENT

I, [Name] _____, principal or principal's designee, contacted [Name of parent] _____on [Date] _____ and notified him or her that [Name of student] _____ has made suicidal threats or was involved in an incident of bullying, hazing, abusive conduct, cyber-bullying, or retaliation. Contact was made:

[__] in person

[__] by telephone (number used: _____)

[__] by email (email address used: _____)

[__] by other method (specify): _____

Notice was given of:

[__] suicide threat

[__] bullying incident

[__] cyber-bullying incident

[__] abusive conduct incident

[__] hazing incident

[__] retaliation incident

[Name of school staff member]_____ , witnessed the contact.

_____	_____	_____
Principal or Principal's Designee	Title	Date

_____	_____	_____
School Staff Member	Title	Date

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Health Requirements and Services: Student Self-Application of Sunscreen

Student Self-Application of Sunscreen

Under Policy FDAC, elementary and middle school students are prohibited from carrying or self-administering medication on school premises except in certain limited circumstances. Sunscreen is a compound topically applied to prevent sunburn. Some sunscreen may be regulated by the Food and Drug Administration (FDA) and therefore might be considered a medication. Whether or not a sunscreen is regulated by the FDA, students shall be allowed to possess and self-apply sunscreen without being required to have parent, physician, or physician assistant authorization.

Utah Code § 53G-9-208(1), (2) (2020)

Peer Sunscreen Application Prohibited

No student is permitted to apply sunscreen to another student.

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Health Requirements and Services

Communicable Diseases

Reports

The Principal shall report to the local health authority or to the Utah Department of Health those students attending school who are suspected of having a reportable disease or condition, as defined by state law and the Utah Department of Health.

Utah Code § 26-6-6 (2008)
Utah Admin. Rules R386-702-4(1)(j) (September 8, 2020)

Exclusion

The Principal, at the direction of local health officers or an official of the State Department of Health shall exclude from attendance any student suffering from a reportable disease, as defined by the Utah Department of Health, until directed otherwise by the same officials.

Utah Code § 26-6-4 (2006)
Utah Admin. Rules R386-702-11(2)(c), (d), (e) (September 8, 2020)

Re-Admittance

Students excluded for reason of communicable disease shall be readmitted as determined by the local or state health authority or county attorney.

Utah Code § 26-6-4 (2006)
Utah Admin. Rules R386-702-11(2)(c), (d), (e) (September 8, 2020)

Communicable Disease and Event Reports

School personnel shall report diseases and health events in writing to the Utah Department of Health or to the local health department as required by Utah Administrative Rules R386-702-3 and R386-702-6. Certain diseases and events must be reported by telephone immediately upon discovery, as well as in writing. Each report should include the name of the student afflicted, age, sex, address, date of onset, and such other information as prescribed by the State Department of Health. If available, the report form supplied by the Department of Health should be used.

Utah Admin. Rules R386-702-4(1)(j) (September 8, 2020)
Utah Admin. Rules R386-702-3 (September 8, 2020)
Utah Admin. Rules R386-702-6 (September 8, 2020)

Reports made by school personnel are confidential, but full assistance shall be given to attending physicians or public health workers.

Utah Admin. Rules R386-702-8(1), (2) (September 8, 2020)

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Students Infected with AIDS, HIV, or ARC

Students Infected with HIV, AIDS or ARC—

In the school setting, no person shall be discriminated against, or denied activities or associations, based solely upon a diagnosis of HIV infection.

Most students with AIDS can attend school in the regular classroom without restrictions. If a parent or school official believes that a child with AIDS needs related services or placement outside the regular classroom, Section 504 requires an evaluation and placement process to determine the appropriate educational setting for a child with AIDS. However, a full educational evaluation is not required when neither the school officials nor parents believe that a child is in need of special education or related services.

A student with AIDS has a right to confidentiality under FERPA and Section 504. However, such confidentiality would not affect state and local public health rules regarding the duty of school to report specified diseases to public health departments. However, when reporting any cases of AIDS to public health authorities, schools should convey such information in the same way that information about other diseases is treated.

The Occupational Safety and Health Administration (OSHA) has issued regulations whose purpose is to reduce or eliminate the possibility of an employee or students contracting any of a series of diseases that are spread through blood contact contained in 29 CFR Part 1910. All school employees should be following OSHA blood-borne pathogen standards when dealing with body fluids.

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Concussion and Head Injury

Introduction—

The District, in compliance with Utah State Board of Education Rule R277-614 and based on the model policy issued by the State Board of Education, has established this protocol to provide education about concussion for coaches, school personnel, parents, and students. This protocol outlines procedures for staff to follow in managing concussions, and outlines school policy as it pertains to return to play issues following a traumatic head injury or concussion.

Utah Admin. Rules R277-614-4 (June 24, 2021)

The District seeks to provide a safe return to activity for all students following any injury, but particularly after a traumatic head injury or concussion. In order to effectively and consistently manage these injuries, procedures have been developed to aid in ensuring that concussed students are identified, treated and referred appropriately, receive appropriate follow-up medical care during the school day, and are fully recovered prior to returning to activity.

District leadership shall review this protocol annually. Any changes or modifications will be reviewed and given to athletic department staff, including coaches and other appropriate school personnel in writing.

All appropriate staff shall attend a yearly in-service meeting in which procedures for managing sporting event-related traumatic head injuries and concussions are discussed.

All athletic coaches shall annually receive training on responding to concussions and head injuries as provided in this policy.

Utah Admin. Rules R277-605-6(2) (July 22, 2022)

Definitions—

1. "Traumatic head injury" means an injury to the head arising from blunt trauma, an acceleration force, or a deceleration force, with one of the following observed or self-reported conditions attributable to the injury:
   a. Transient confusion, disorientation, or impaired consciousness;
   b. dysfunction of memory;
   c. loss of consciousness; or
   d. signs of other neurological or neuropsychological dysfunction, including:
      i. seizures;
      ii. irritability;
      iii. lethargy;
      iv. vomiting;

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v. headache;

vi. dizziness; or

vii. fatigue.

Utah Code § 26-53-102(6) (2013)

2. "Head injury" means any injury to the head that is NOT a "traumatic head injury" as defined above, including a mild bump.

   Utah Admin. Rules R277-614-2(3) (June 24, 2021)

3. "Sporting event" means any of the following athletic activities that is organized, managed, or sponsored by a District school: a game, a practice, a sports camp, a physical education class, a competition, or a tryout. It does NOT include:

   a. Free play or recess taking place during school hours; or

   b. The District or a District school merely making available a District-owned or controlled field, facility, or other location to a child or to an amateur sports organization, regardless of whether a fee is being charged by the District for the use; or

   Utah Code § 26-53-102(5) (2013)

4. "Physical education class" means a structured school class that includes an adult supervisor.

   Utah Admin. Rules R277-614-2(6) (June 24, 2021)

5. "Free play" means unstructured student play, games and field days during school hours.

   Utah Admin. Rules R277-614-2(2) (June 24, 2021)

6. "Qualified health care provider" means a health care provider who:

   a. is licensed under Utah Code Title 58, Occupations and Professions; and

   b. may evaluate and manage a concussion within the health care provider's scope of practice.

   Utah Code § 26-53-102(4) (2013)

7. "Written statement of a qualified health care provider" means a written statement from a qualified health care provider which states that:

   a. The health care provider has, within three years before the date of the statement, successfully completed a continuing education course in the evaluation and management of a concussion; and

   b. That the student to whom the statement relates is cleared to resume participation in the District sporting event.

   Utah Code § 26-53-301(1)(b)(ii) (2011)

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8. "Agent of the District" means a coach, teacher, employee, representative, or volunteer of the District.

Utah Code § 26-53-102(1) (2013)

Requirements—

As described in more detail below, any student who is suspected to have sustained a concussion or traumatic head injury shall be immediately removed from participation in a District sporting event and may not resume participation until the student has been evaluated by a qualified health care provider who is trained in the management and evaluation of a concussion and the student provides the District with a written statement from the qualified health care provider. Notice of the concussion or traumatic head injury shall be provided to the student's parent. Each agent of the District shall be familiar with this policy and shall be provided a copy of this policy. Before a student may participate in any District sporting event, the student's parent must be provided a written copy of this policy and the student's parent must sign an acknowledgment that the parent has read, understands, and agrees to abide by this policy.

Utah Code § 26-53-201(2), (3) (2011)
Utah Code § 26-53-301(1) (2011)

Evaluation by School Nurse—

A school nurse may assess a child who is suspected of having sustained a concussion or traumatic head injury during school hours on school property regardless of whether the nurse has received specialized training in the evaluation and management of concussion or traumatic head injury. If the nurse evaluating the student has not been trained in the evaluation and management of concussion and has not completed a continuing education course in that area in the prior three years, the nurse shall refer the student to a qualified health care provider who is trained in the evaluation and management of a concussion and the nurse may not provide the written statement of a qualified health care provider for the student. School nurses shall be trained in the evaluation and management of a concussion as funding allows.

Utah Code § 26-53-401 (2014)

Notice to Parent of Head Injury—

The District shall notify a parent if a student is reported or suspected to have experienced a head injury during school hours or during a school-sanctioned activity.

Utah Admin. Rules R277-614-4(5) (June 24, 2021)

Documentation of Head Injury—

Any head injuries reported to District staff or agents should be documented in the student health record and entered on the Student Injury Report website. Documentation of injury is important for determining treatment, initiating possible academic accommodations, and mitigating potential legal liability.

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Annual Notice to Students and Parents —

Notice and a written copy of this policy shall be provided at least annually to parents of students who participate in District sporting events and students may not participate in such events until the District receives a signed written acknowledgement that the parent has read, understands, and agrees to abide by this policy.

Utah Code § 26-53-201 (3) (2011)

Posting of Policy on Website—

This policy shall be posted on the District's website in a location readily accessible to parents and members of the public.

Utah Admin. Rules R277-614-4(4) (June 24, 2021)

Recognition of Concussion—

A concussion is type of traumatic brain injury that interferes with normal function of the brain and is clinically referred to as mild Traumatic Brain Injury (mild TBI). It occurs when the brain is rocked back and forth or twisted inside the skull as a result of a blow to the head or body. What may appear to be only a mild jolt or blow to the head or body can result in a concussion. A concussion can occur even if a student does not lose consciousness from the head injury. (NFHS "Suggested Guidelines for Management of Concussion in Sports.")

Common signs and symptoms of a concussion

Signs (observed by others):

- Student appears dazed or stunned
- Confusion
- Forgets plays
- Unsure about game, score, opponent
- Moves clumsily (altered coordination)
- Balance problems
- Personality change
- Responds slowly to questions
- Forgets events prior to hit
- Forgets events after the hit
- Loss of consciousness (any duration)
- Vomiting

Symptoms (reported by student):

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- Headache or pressure in the head
- Balance problems or dizziness
- Fatigue or feeling tired
- Does not “feel right”
- More emotional than usual
- Irritable or sad
- Nausea or vomiting
- Double vision, blurry vision
- Sensitive to light or noise
- Feels sluggish
- Feels “foggy”
- Problems concentrating
- Problems remembering

These signs and symptoms following a witnessed or suspected blow to the head or body are indicative of probable concussion. A student who has suffered a concussion (mild TBI) may have one or many of these signs/symptoms. Symptoms may progress or change in the days and weeks following an injury, including trouble sleeping, emotional distress, and academic difficulty. Any student is suspected of having sustained a concussion or traumatic brain injury shall be immediately removed from the District sporting event and shall not return to participation until cleared by an appropriate health care professional (provides the District with a written statement of a qualified health care provider as defined in this policy).

Management and Referral Guidelines for All Staff —

The following situations indicate a medical emergency and require activation of the Emergency Medical System:

1. Any student with a witnessed loss of consciousness of any duration shall be transported immediately to the nearest emergency department via emergency vehicle. Staff shall remain in contact with 911 and stabilize the student while waiting for EMS to arrive.
2. Any student who has symptoms of a concussion and who is not stable (i.e., whose condition is worsening) is to be transported immediately to the nearest emergency department via emergency vehicle.
3. A student who exhibits any of the following symptoms should be transported immediately to the nearest emergency department via emergency vehicle:
    a. Deterioration of neurological function (i.e., pupil changes or responses, muscle weakness, increased difficulty with response to questions)

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b. Decreasing level of consciousness

c. Decrease or irregularity in respirations

d. Any signs or symptoms of associated injuries, spine or skull fracture, or bleeding

e. Mental status changes: lethargy, difficulty staying awake or alert, confusion or agitation

f. Seizure activity

A student who is symptomatic but stable may be transported by his or her parent. The parent should be advised to contact the student's health care provider or seek care at the nearest emergency department on the day of the injury.

Guidelines and Procedures for Coaches and Teachers Supervising Physical Education Classes, Athletic Contests and Games—

1. Recognize concussion
   a. All educators and agents of the District should become familiar with the signs and symptoms of concussion that are described above.
   b. Educators and agents of District shall have appropriate training about recognizing and responding to traumatic head injuries consistent with the employees' responsibilities for supervising students and athletes.
   c. Training can be found through the CDC website.
2. Remove from activity
   a. Any student who exhibits signs, symptoms, or behaviors consistent with a concussion shall be immediately removed from the activity and shall not return to play until cleared by an appropriate health care provider.
3. Refer the athlete/student for medical evaluation
   a. The District agent is responsible for notifying the student's parent(s) of the injury. Contact the parent(s) to inform a parent of the injury. Depending on the injury, transport can be provided by either an emergency vehicle or parent(s).
   b. A medical evaluation by an appropriate health care provider is required before returning to play.
   c. In the event that a student's parent(s) cannot be reached, and the student is able to be sent home (rather than directly to a health care provider):
      i. The District's agent should ensure that the student will be with a responsible individual capable of monitoring the student and understanding the home care instructions before allowing the student to go home.
      ii. The District's agent should continue efforts to reach a parent.

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d. If there is any question about the status of the student, or if the student cannot be monitored appropriately, the student should be referred to an Emergency Department for evaluation. A District agent should accompany the student and remain with the student until a parent arrives.

e. A District agent shall provide for supervision of other students for whom he or she is responsible when accompanying the injured student.

f. Students with a suspected concussion should not be permitted to drive home.

A District agent should seek assistance from the host site's certified athletic trainer (ATC) or team physician, if available, if the injury occurs during an athletic event.

Free-Play Concussion and Head Injury Management—

While many head injuries that happen at school are minor, school staff shall follow these steps when a student has a bump, blow, or jolt to the head or body:

1. Observe the student for signs and symptoms of concussion for at least 30 minutes.
2. Ask people who saw the injury occur about how the injury happened and any concussion signs they observed.
3. Complete the Concussion: Signs and Symptoms Checklist.
4. Notify the student's parent that their child had a head injury and give the parent the Parent Notification of Head Injury During School Hours document.

If the student has concussion signs or symptoms:

1. Tell the parent that the student needs to see a health care provider experienced in concussion management.
2. Give the parent a copy of the completed Concussion: Signs and Symptoms Checklist for the health care provider to review.
3. Ask for written guidance from the student's health care provider about when the student can return to school and physical activity.

If the student does not have concussion signs or symptoms:

1. Have the student return to class, but do not allow the student to return to sports or recreational activities on the same day of the injury.
2. Send a copy of the completed Concussion: Signs and Symptoms Checklist and the Parent Notification of Head Injury During School Hours document home with the student for the parent to review.
3. Ask the parent to continue to observe the student for any changes.
4. Tell the parent that if concussion signs or symptoms appear, the student should be seen right away by a health care provider with experience in concussion management.

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Return to Learn (RTL) Procedures After Concussion—

Medical and school-based teams should counsel the student and family about the process of gradually increasing the duration and intensity of academic activities as tolerated, with the goal of increasing participation without significantly exacerbating symptoms.

The student, family, health care provider, and school teams should monitor symptoms and academic progress to decide together the modifications that are needed to maintain an academic workload without making symptoms worse.

School teams should monitor and adjust educational supports until the sudent's academic performance has returned to pre-injury levels.

Return to Play (RTP) Procedures After Concussion—

Return to activity and play is a medical decision. The student must meet all of the following criteria in order to progress to activity:

1. Asymptomatic at rest and with exertion (including mental exertion in school)
2. Have successfully returned to regular academic activities, AND
3. Have written clearance from an appropriate health care provider.

Once the above criteria are met, the student will be progressed to full activity while following the stepwise process detailed below. (This progression must be closely supervised by a District agent. If the school does not have an athletic trainer, then the coach must have a very specific plan to follow as directed by the appropriate health-care provider).

Progression is individualized, and will be determined on a case-by-case basis. Factors that may affect the rate of progression include: previous history of concussion, duration and type of symptoms, age of the student, and sport/activity in which the student participates. An athlete/student with a prior history of concussion, one who has had an extended duration of symptoms, or one who is participating in a collision or contact sport may progress more slowly.

Stepwise progression as described below:

1. Step 1. Cognitive rest, which may include staying home from school or limiting school hours (and studying) for a few days. Any period longer than this should be under the supervision of a qualified healthcare provider. Activities requiring concentration and attention immediately after the injury may worsen symptoms and delay recovery. Light activity including walks may be encouraged at this level, provided the activity is tolerated by the student without significant exacerbation of the symptoms.
2. Step 2. Return to school, during which the District will follow the health care provider's protocol on return to learn.

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3. Step 3. Light exercise. At this point the athlete may engage in brisk walking, riding an exercise bike or other light exertional exercises with supervision. No weight lifting.
4. Step 4. Running in the gym or on the field may be engaged in but with no helmet or other equipment.
5. Step 5. Non-contact training drills in full equipment or weight training can begin.
6. Step 6. Full contact practice or training may be engaged in.
7. Step 7. Play in game. Must be cleared by an appropriate health care provider before returning to play.

The student should spend at least 1 to 2 days at each step before advancing to the next unless prescribed differently by the health care provider. If post-concussion symptoms occur at any step, the student must stop the activity and the treating physician must be contacted. Depending upon the specific type and severity of the symptoms, the student may be told to rest for 24 hours and then resume activity at a level one step below where he or she was at when the symptoms occurred. This resumption of activity could be considerably simplified for a student injured during recess compared to a student injured at a game or formal practice.

[While current Utah law designates that a student may be returned to play by "an appropriate health care provider," it is the prerogative of District to designate the credentials of the providers from whom it will accept clearance. This is a very important decision and should be made after careful consideration by the athletic director, principal, superintendent, teacher (elementary), and parent(s). The District's liability carrier may also be consulted.

For students injured during formal competitions, serious consideration must also be given as to what the school will do in the case where an athlete is clearly still having concussion symptoms but has been given return to play clearance by a health care provider. The District should develop a formal policy which designates a specific individual (preferably an expert in the field of concussion management--typically a licensed athletic trainer, physician or neuropsychologist) who shall evaluate the athlete and make the final decision regarding return to play.]

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Youth Suicide Prevention

Establishment of Youth Suicide Prevention Program—

In collaboration with the public education suicide prevention coordinator appointed by the State Board of Education, the District shall implement a youth suicide prevention program for students in elementary and secondary grades. (Elementary grades are kindergarten through grade 5 and grade 6 if the associated middle or junior high school does not include grade 6. Secondary grades are grades 7 through 12 and grade 6 if a middle or junior high school includes grade 6.) These programs shall consider appropriate coordination with programs for the prevention of bullying and cyber-bullying and for the prevention of underage drinking of alcohol and substance abuse. The programs shall also include provisions to ensure prompt communication with parents in accordance with Utah Code § 53G-9-604. The elementary and secondary programs shall include programs and training to address:

1. Life-affirming education, including the concepts of resiliency, healthy habits, self-care, problem solving, and conflict resolution;
2. Methods of strengthening the family; and
3. Methods of strengthening a youth's relationships in the school and community.

The secondary program shall also include programs and training to address:

1. Prevention of youth suicide;
2. Decreasing the risk of suicide among youth who are not accepted by family for any reason, including lesbian, gay, bisexual, transgender, or questioning youth, or who suffer from bullying;
3. Youth suicide intervention; and
4. Postvention for family, students, and faculty.

In implementing this program and related training, the District shall refer to and as appropriate make use of the model programs developed by the Department of Health and the state suicide prevention coordinator.

Utah Code § 53G-9-702 (2021)
Utah Admin. Rules R277-620-3(3) to (6) (December 10, 2018)

Youth Suicide Prevention Training—

Each licensed employee of the District shall complete a minimum of two hours of professional development training on youth suicide prevention every three years, using the training materials adopted by the District.

Utah Code § 53G-9-704 (2020)

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School Breakfast Program

Definitions—

1. "Alternative breakfast service model" means a method of serving breakfast to a student after the instructional day begins.
2. "National School Lunch Program" means the same as that term is defined in 7 CFR § 210.2.
3. "School Breakfast Program" means the same as that term is defined in 7 CFR § 220.2.
4. "Traditional breakfast service model" means a method of serving breakfast to a student before the instructional day begins.

Utah Code § 53G-9-205.1 (2021)

Participation in School Breakfast Program—

Unless granted an undue hardship waiver by the State Board of Education, each school in the District that participates in the National School Lunch Program shall also participate in the School Breakfast Program.

Utah Code § 53G-9-205.1(2), (3) (2021)
Utah Admin. Rules R277-723-3 (September 24, 2020)

Alternative Breakfast Service Model

The following requirements apply to District schools who participate in the School Breakfast program but do not apply to a school in which 70% or more of the students who qualify for free or reduced lunch participate in the School Breakfast Program.

Beginning with the 2021-2022 school year, a school in which 70% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.

Beginning with the 2022-2023 school year, a school in which 50% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.

Beginning with the 2023-2024 school year, a school in which 30% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.

A school which is required to use an alternative breakfast service model may also, in addition to that service model, use a traditional breakfast service model.

Utah Code § 53G-9-205.1(2) (2021)

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Wellness Policy Adoption Process

[Note: The Federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 U.S.C. § 1751 Note, added by P.L. 108-265, Section 204) mandated that each district participating in the National School Lunch program (42 U.S.C. §§ 1751-1769) or the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1791, including the School Breakfast Program) adopt a district-wide school wellness policy by the beginning of the school year after July 2006. Section 204 of the Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296 added language to the National School Lunch Act (42 U.S.C. § 1758b) expanding on this requirement. School Districts with existing wellness policies should use the process described below to review existing policies for compliance with federal law. If no district wellness policy is in place, this policy provides a model for establishing that required policy]

Wellness Policy Adoption Process—

The Board recognizes its obligations under the Federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 and the Healthy, Hunger-Free Kids Act of 2010 and desires to provide a program promoting healthy eating and physical activity in district students.

Accordingly, the Board directs the Superintendent or the Superintendent's designee to develop a Wellness Policy that, at a minimum, shall:

1. Include goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the Board determines is appropriate.
2. Include nutrition guidelines selected by the Board for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity.
3. Include goals for nutrition promotion.
4. Provide an assurance that the district's guidelines for reimbursable school meals will not be less restrictive than federal regulations and guidance issued pursuant to 42 U.S.C. §§ 1758(f)(1), 1766(a) and 1779(a) and (b), as they apply to schools.
5. Establish a plan for measuring implementation of the policy, including the designation of one or more persons in the district or at each school charged with operational responsibility for ensuring that this policy is implemented at each school.

42 U.S.C. § 1758b

The Superintendent or the Superintendent's designee shall involve parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and

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the public, as well as any others the Superintendent or the Superintendent's designee deems beneficial, in the development, implementation, and periodic review of the Wellness Policy.

42 U.S.C. § 1758b(b)(3)

The Superintendent shall present the proposed Wellness Policy to the Board review and Board action.

Wellness Policy Recommendations (SAMPLE)—

The council or committee shall examine related research and laws, assess student needs and the current school environment, review current district policies and administrative regulations, and raise awareness about student health issues. The council or committee may survey parents/guardians and/or students, conduct community forums or focus groups, collaborate with appropriate community agencies and organizations, or engage in similar activities within the budget established for these purposes.

The council or committee shall present policy recommendations to the Board which include, but are not necessarily limited to, the following topics:

1. Goals and strategies for increasing student participation in the school breakfast and lunch programs.
2. Nutritional standards for the school breakfast and lunch programs that meet or exceed state and federal standards.
3. The amount of time allowed for students to eat and the adequacy of lunchroom facilities.
4. Methods of ensuring compliance with federal regulations governing nutrition standards for all foods and beverages available for purchase by students on campus during the school day outside of the district's federally reimbursed meal programs.
5. Foods and beverages donated for class parties or other school events.
6. School-based marketing of foods and beverages, such as through advertisements in school publications, school buildings, athletic fields and/or other areas accessible to students, and activities such as coupon or incentive programs.
7. Age-appropriate, skill-building nutrition education at each grade level that is focused on behavior change.
8. Opportunities for all students to be physically active, including the amount of time devoted to physical education, the quality of the physical education program, and additional opportunities such as recess and before- and after-school programs.
9. Outreach strategies to encourage families to reinforce and support healthy eating and physical activity.

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10. Cost estimates of implementing the recommended strategies and potential funding sources.
11. Priorities for implementing the recommended strategies in the wellness policy.
12. Processes for evaluating the school district's wellness policy, including evaluation methods, indicators that will be used to measure success, and frequency of reports, and the individual or individuals responsible for ensuring school compliance with the Wellness Policy.

As it deems appropriate, the council or committee may make policy recommendations related to other health issues that are necessary to promote student and staff health.

Periodic Assessment—

The District shall, at the intervals established in the Wellness Policy, assess:

1. The extent to which schools are complying with the Wellness Policy;
2. The extent to which the Wellness Policy compares with model wellness policies; and
3. The progress made towards the goals in the Wellness Policy.

42 U.S.C. § 1758b(b)(5)

Public Information—

The Wellness Policy shall be posted on the District's web site and be included in annual notices provided to parents. In addition, the District shall inform the public of the results of its assessments of the Wellness Policy.

42 U.S.C. § 1758b(b)(4)

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Wellness Policy
Food Sales

[Note: All school districts which participate in the National School Lunch Program and receive funds under that program thereby become subject to the regulations upon which this policy is based. If a school district has discontinued its participation in the National School Lunch Program it may be able to avoid the obligation to comply with those underlying regulations and may not need to adopt this policy.]

Definitions—

The following definitions apply in this policy:

1. "School day" means the period from midnight before a school day to thirty minutes after the end of a school's calendared class time.
2. "School campus" means all areas of the school property which are accessible to students during the school day.
3. "Available for sale" means the item may be exchanged for currency (in any form), tokens, or tickets.
4. "Competitive food" means all food and beverages available for sale to students on the school campus during the school day except for meals reimbursed under the federal child nutrition laws.

7 CFR § 210.11(a)
Utah Admin. Rules R277-719-2 (April 9, 2018)

Required Nutrition Standards—

All competitive food (as defined above) must meet the USDA nutrition standards unless it falls within one of the exemptions below. A summary of the competitive food nutrition standards is attached as Appendix A. District employees may use a Smart Snacks calculator to evaluate whether a competitive food meets nutrition standards. (See https://foodplanner.healthiergeneration.org/calculator.)

7 CFR § 210.11(c)
Utah Admin. Rules R277-719-4(4) (April 9, 2018)

Exemptions from Standards—

The following are exempt from compliance with the competitive food nutrition standards:

1. Any entrée item which is offered as part of the school lunch or school breakfast program, when offered as competitive food on the day, or on the following school day, that it is also offered as part of the school lunch or school breakfast program. Such competitive food offerings must be offered in the same or smaller portion sizes as the lunch or breakfast program offerings.

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However, side dishes offered as part of the lunch or breakfast program and served à la carte must meet the competitive food nutrition standards.

2. Sugar free chewing gum
3. Specially exempted fundraisers. Competitive food may be sold as part of an infrequent fundraiser sponsored by the school, subject to the following restrictions. The allowed number of such exempted fundraisers is three times per year per school. (Upon written request of a career and technical education program, the State Superintendent may grant permission to exempt additional fundraisers.) The exempted fundraiser may not last more than five consecutive days. Any competitive food sold as part of a fundraiser which is not exempted must meet the competitive food nutrition standards.

7 CFR § 210.11(b)(4), (c)(3)
Utah Admin. Rules R277-719-5(2), (3) (April 9, 2018)

Food and Beverages Not Subject to Regulation—

The Smart Snacks in Schools regulations apply to food and beverages sold to students on the school campus during the school day. The following are not within the scope of this regulation and are not required to meet the competitive food nutrition standards:

1. Food and beverages which are not sold. This includes food or beverages which are brought to school by students (home lunches, for example). It also includes food or beverages which are given to students without the exchange of any currency, tokens or tickets (for example, snacks or treats given out in connection with a birthday celebration).
2. Food and beverages sold after the school day. This includes food and beverages sold during the time period beginning 30 minutes after the end of a school's calendared class time until midnight (a common example would be concessions sold during an evening athletic event).
3. Food and beverages not sold on the school campus. The school campus is defined as all areas which are accessible to students. Food or beverages sold in areas which are not accessible to students (which might for example include a teacher's lounge) are not required to meet the nutrition standards.
4. Food and beverages not sold to students. Food or beverages sold to persons other than students (for example, parents or school staff) are not required to meet the nutrition standards.

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Food Sales: Appendix A
Summary of Competitive Food Standards

Food/Nutrient	Standard	Exemptions to the Standard
General Standard for Competitive Food.	To be allowable, a competitive FOOD item must: (1) meet all of the proposed competitive food nutrient standards; and (2) be a grain product that contains 50% or more whole grains by weight or have whole grains as the first ingredient*; or (3) have as the first ingredient* one of the non-grain main food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); or (4) be a combination food that contains at least 1/4 cup fruit and/or vegetable. *If water is the first ingredient, the second ingredient must be one of items 2, 3 or 4 above.	● Fresh fruits and vegetables with no added ingredients except water are exempt from all nutrient standards. ● Canned and frozen fruits with no added ingredients except water, or are packed in 100% juice, extra light syrup, or light syrup are exempt from all nutrient standards. ● Canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable are exempt from all nutrient standards.
NSLP/SBP Entrée Items Sold A la Carte.	Any entrée item offered as part of the lunch program or the breakfast program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after service in the lunch or breakfast program.	
Sugar-Free Chewing Gum	Sugar-free chewing gum is exempt from all competitive food standards.	
Grain Items	Acceptable grain items must include 50% or more whole grains by weight, or have whole grains as the first ingredient.	
Total Fats	Acceptable food items must have ≤ 35% calories from total fat as served.	● Reduced fat cheese (including part-skim

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		mozzarella) is exempt from the total fat standard. ● Nuts and seeds and nut/seed butters are exempt from the total fat standard. ● Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the total fat standard. ● Seafood with no added fat is exempt from the total fat standard. Combination products are not exempt and must meet all the nutrient standards.
Saturated Fats	Acceptable food items must have < 10% calories from saturated fat as served.	● Reduced fat cheese (including part-skim mozzarella) is exempt from the saturated fat standard. ● Nuts and seeds and nut/seed butters are exempt from the saturated fat standard. ● Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the saturated fat standard. Combination products are not exempt and must meet all the nutrient standards.
Trans Fats	Zero grams of trans fat as served (≤ 0.5 g per portion).	
Sugar	Acceptable food items must have ≤ 35% of weight from total sugar as served.	● Dried whole fruits or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruits or vegetables with no added nutritive sweeteners are exempt from the sugar standard.

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		● Dried whole fruits, or pieces, with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, tart cherries, or blueberries) are exempt from the sugar standard. ● Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the sugar standard.
Sodium	Snack items and side dishes sold a la carte: ≤ 230 mg sodium per item as served. Snack items and side dishes sold a la carte must be: ≤ 200 mg sodium per item as served, including any added accompaniments. Entrée items sold a la carte: ≤ 480 mg sodium per item as served, including any added accompaniments.	
Calories	Snack items and side dishes sold a la carte: ≤ 200 calories per item as served, including any added accompaniments. Entrée items sold a la carte: ≤ 350 calories per item as served including any added accompaniments.	● Entrée items served as an NSLP or SBP entrée are exempt on the day of or day after service in the program meal.
Accompaniments	Use of accompaniments is limited when competitive food is sold to students in school. The accompaniment must be included in the nutrient profile as part of the food item served and meet all proposed standards.	
BEVERAGES		

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Beverages in Elementary School	• Plain water or plain carbonated water (no size limit); • Low fat milk, unflavored (≤ 8 fl oz); • Non fat milk, flavored or unflavored (≤ 8 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements; • 100% fruit/vegetable juice (≤ 8 fl oz); and • 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 8 fl oz).	
Beverages in Middle School	• Plain water or plain carbonated water (no size limit); • Low-fat milk, unflavored (≤ 12 fl oz); • Non-fat milk, flavored or unflavored(≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements; • 100% fruit/vegetable juice (≤ 12 fl oz); and • 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 12 fl oz).	
Beverages in High School	• Plain water or plain carbonated water (no size limit); • Low-fat milk, unflavored (≤ 12 fl oz); • Non-fat milk, flavored or unflavored (≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements;	

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	• 100% fruit/vegetable juice (≤ 12 fl oz); • 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 12 fl oz); • Other flavored and/or carbonated beverages (≤ 20 fl oz) that are labeled to contain ≤ 5 calories per 8 fl oz, or ≤ 10 calories per 20 fl oz; and • Other flavored and/or carbonated beverages (≤ 12 fl oz) that are labeled to contain ≤ 40 calories per 8 fl oz, or ≤ 60 calories per 12 fl oz.	

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Positive Behaviors Plan

Definitions—

In this policy:

1. "Positive behaviors plan" means a plan to address the causes of student use of tobacco, alcohol, electronic cigarette products, and other controlled substances through promoting positive behaviors.
2. "Positive behaviors specialist" means an individual designated to administer a positive behaviors plan.

Utah Code § 53G-10-407(1) (2020)

Creation of Positive Behaviors Plan for Each School—

The principal of each school in the District shall create a positive behaviors plan for that school. The plan shall be based on the input of students, parents, and staff and shall address issues including peer pressure, mental health, and creating meaningful relationships. It may include programs, clubs, service opportunities, and pro-social activities. The plan shall be submitted to the Board of Education for review and approval.

Utah Code § 53G-10-407(2) (2020)

Designation of School Positive Behaviors Specialist—

The District shall identify one or more positive behavior specialist for each school. The specialist or specialists shall receive an additional stipend from funds provided by the State Board of Education.

Utah Code § 53G-10-407(3), (4) (2020)

Reports—

The positive behaviors specialist (or specialists) for each school shall annually submit a written report to the Board of Education detailing how the school's positive behaviors plan was implemented in the prior year.

The Board of Education shall submit an annual report to the State Board of Education confirming that each school in the District has an approved positive behaviors plan.

Utah Code § 53G-10-407(5) (2020)
Utah Admin. Rules R277-910-5 (August 12, 2020)

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Period Products in Schools

Providing Period Products to Students—

"Period products" means tampons, sanitary napkins, or other similar products designed for hygiene in connection with the human menstrual cycle.

Utah Code § 53G-4-413(1) (2022)

The District shall provide period products free of charge to students in each female or unisex restroom in each elementary school, middle school, junior high school, high school, or other school facility used by students. The District shall inform its students of the availability of the period products.

Utah Code § 53G-4-413(2) (2022)

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Student Records

"Education Records" Defined—

For the purposes of this policy, the term "education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term "education records" does not include:

1. Records that contain only information about a student after he or she is no longer a student in the District.
2. Records made by District personnel that are kept in the sole possession of the maker and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.
4. Records relating to an individual who is employed by an educational agency or institution, that:
   a. Are made and maintained in the normal course of business;
   b. Relate exclusively to the individual in that individual's capacity as an employee; and
   c. Are not available for use for any other purpose.
      i. Records relating to an individual in attendance at the school who is employed as a result of his or her status as a student are education records and not excepted under paragraph (4).
5. Records on a student who is eighteen (18) years of age or older that are:
   a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
   b. Made, maintained, or used only in connection with treatment of the student; and
   c. Disclosed only to individuals providing the treatment.
      i. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.

20 U.S.C. § 1232g
34 CFR § 99.3

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Utah Code § 53E-9-202 (2019)

Notification of Significant Data Breach—

The District shall notify the parent of a student (or the student if the student is an adult) if there is a significant data breach (as defined by the State Board of Education) at the District or a District school.

Utah Code § 53E-9-304(2) (2020)

Student Identification Number—

The District may not use a nine-digit number as a student's identification number with the District.

Utah Code § 63G-15-201 (2012)

Screening Records—

The Principal of each school shall maintain records of screening for special senses and communication disorders and spinal screening for each student in the school. Records shall be open for inspection by the state or local health department. Individual screening records may be transferred among schools in accordance with provisions below concerning ACCESS BY OTHER PERSONS.

20 U.S.C. § 1232g

Immunization Records—

The District shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by representatives of local health departments or the Utah Department of Health. The District shall cooperate with other districts in transferring students' immunization records between schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers.

Assessment Transfers—

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by the District are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by school and District and made available to the public, with appropriate interpretations, at regularly scheduled Board meetings. The information may not contain the names or other identifying information of individual students or teachers.

Academic Achievement Record—

The District shall maintain a student academic achievement record on each student enrolled in the District. This record shall reflect courses of studies completed and shall substantiate the fulfillment of course requirements toward qualifying for high school graduation. A copy of this record shall be furnished to each student transferring to another school district.

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Access to Education Records—

Access to the education records of a student who is or has been in attendance at a school in the District shall be granted to the parent of the student who is a minor or who qualifies as a dependent for tax purposes. “Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

34 CFR § 99.3

The District shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights.

34 CFR § 99.4

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

34 CFR § 99.5(a)(1)
34 CFR § 99.3

If material in the education record of a student includes information on another student, only the portion of the material relating to the student whose records were requested may be inspected and reviewed.

Request Procedure—

Upon request of a properly qualified individual, access to a student’s education record shall be granted within a reasonable period of time, not to exceed forty-five (45) days. The District shall respond to reasonable requests for explanations and interpretations of the records.

34 CFR § 99.10

Access by Other Persons—

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following:

1. School officials, including teachers, who have legitimate educational interests. An administrator or teacher is entitled to access to a student's medical records maintained by the District only if he or she has completed in-service training on HIV infection. In addition, a school employee may only access a student’s records if that employee is included on the list of authorized employees and if federal and state privacy laws otherwise authorize the access.

   Utah Code § 53E-9-204(4)(a) (2019)

2. Officials of other schools or school systems in which the student seeks or intends to enroll, provided that the District either:

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a. Includes in its policies a statement that notifies the parent or student that it forwards education records on request of the other school to such officials; or

b. Makes a reasonable attempt to notify the parent (unless the record transfer is initiated by the parent.)

i. In either case, the District shall furnish a copy of the transferred records to the parent if requested and give the parent an opportunity for a hearing to challenge the content of the record.

3. Authorized representatives of the Comptroller General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs.

34 CFR § 99.31
34 CFR § 99.35

4. Personnel involved with a student's application for, or receipt of, financial aid.

5. State and local officials to whom such information is specifically required to be reported or disclosed by state statute.

6. Organizations conducting studies for educational agencies or for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies. Such information must be destroyed when no longer needed for the original purposes of the studies.

7. Accrediting organizations that require the information for purposes of accreditation.

8. Parents of a student who qualifies as a dependent for tax purposes.

9. Appropriate persons who, in an emergency, must have such information in order to protect the health or safety of the student or other person.

10. Any person requesting directory information, as defined in local policy, after the District has given public notice of that definition.

34 CFR § 99.31
34 CFR § 99.37

In order for personally identifiable information in education records to be released to any individual, agency, or organization other than to the student and those listed above, written consent must be obtained from the student's parent. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released. Such information may also be released in

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compliance with a judicial order or subpoena provided that the District makes a reasonable effort to notify the parent and student of the order or subpoena in advance of compliance.

34 CFR § 99.31

Transfer Not Permitted—

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent.

Notice of Behavior that may Threaten Safety—

Notwithstanding any other provision of this policy, in the event a student is expelled for a period of more than ten (10) days for use or distribution of alcohol or a controlled substance, or for possession of an incendiary device or firearm, a record stating the cause of expulsion shall be created and provided only to the following persons:

1. The Principal and Vice-Principal over students in any alternative educational setting where the student will be educated;
2. Any teachers of the student in the alternative education placement; and
3. Counselors in any school where the student attends who may provide counseling services to the student.

If appropriate, the record shall state also any appropriate precautions to be observed in the education of the student.

The Board finds that dissemination of such information to those persons identified is necessary to provide an appropriate and safe education to the student of the District. The District shall not provide copies of such private records to any persons except those identified and the parent or legal guardian of the student without a court order.

If the student is education pursuant to an Individual Education Program, then the record shall be considered by the Individual Education Program Team to determine an appropriate placement in the least restrictive environment consistent with safety and well-being of all students in the District.

A copy of this policy shall be made available to parents and students upon request.

Record of Access to Student Record—

Each school shall maintain a record, kept with the education record of each student, that indicates all individuals, agencies, or organizations that have requested or obtained access to a student’s education records. The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the District maintains the student’s education record. The record of

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access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system.

20 U.S.C. § 1232g

The record shall not include requests for access by, or access granted to, parents of the student or officials of the District, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

34 CFR § 99.32

Right to Amend Records—

The parent of a student whose records are covered by this policy may ask the District to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If, after a reasonable time, the District decides not to amend the education records requested, it shall inform the parent of its decision and his right to a hearing to challenge the content of the student's education records.

If the District decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the District decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the District. Any explanation shall be maintained with the contested part of the record as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed.

34 CFR § 99.20
34 CFR § 99.21

Annual Notification of Rights—

The District shall give parents of in-attendance students or the in-attendance students themselves annual notification of their rights under the Family Educational Rights and Privacy Act of 1974 and of the places where copies of this policy may be located. The District shall effectively notify parents or eligible students who are disabled. The District shall effectively notify parents who have a primary or home language other than English. The notice must include:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records.
3. A specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

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20 U.S.C. § 1232g(e)
34 CFR § 99.7

Directory of Information—

The District may release information if it has given public notice of:

1. The types of personally identifiable information that it has designated as directory information.
2. The right of the parent to refuse to permit the District to designate any or all of that information about the student as directory information.
3. The period of time within which the parent must notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information.

34 CFR § 99.37

Directory Information—

Directory information may include a student's name, address, telephone listing, email address, photograph, date and place of birth, major field of study, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, enrollment status, dates of attendance, degrees, honors, and awards received, and the most recent previous school attended by a student.

Directory information shall be released to any individual or organization that files a written request with the Superintendent or designee.

20 U.S.C. § 1232g
34 CFR § 99.3

Fee for Copies—

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for copies of education records that are made for the parents or students under this policy provided that the fee does not effectively prevent them from exercising their right to inspect and review those records. Hardship cases shall be dealt with on an individual basis.

20 U.S.C. § 1232g
34 CFR § 99.11

Records of Students With Disabilities—

The District shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities.

34 CFR § 300.501(a)
State Board of Education Special Education Rules IV.A.1

Access Rights—

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In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with a disability request to review or inspect District records relating to the education of their child:

Parents may request that a representative inspect and review the records.

34 CFR § 300.613(b)(3)
State Board of Education Special Education Rules IV.V.4

The District shall comply with a requested request without unnecessary delay and before any meeting regarding an individual education plan (IEP) or hearing relating to the identification, evaluation, or placement of the child.

34 CFR § 300.613(a)
State Board of Education Special Education Rules IV.V.4

The District shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees) including name, date of access, and the purpose for which the person is authorized to use the records.

34 CFR § 300.614
State Board of Education Special Education Rules IV.V.5

Parental Consent—

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act (IDEA) or disclosed to anyone other than officials of agencies collecting or using this information. The District may not release information from these records without parental consent except as provided in the Family Educational Rights and Privacy Act (FERPA).

34 CFR § 300.622

No student shall be required without parental consent to submit to psychiatric examination, testing or treatment of which the primary purpose is to reveal information concerning:

1. political affiliations or philosophies (except as provided in Policy ECF);
2. mental or psychological problems;
3. sexual behavior, orientation, and/or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of close family members;
6. any legally privileged information;
7. income (except as required to receive financial assistance or fee waivers); and
8. religious affiliations or beliefs.

The parent shall be notified in writing of the means and purposes of the testing and the person(s) doing the testing at least two weeks, but not more than five

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months, before information protected by this policy is sought. This written notice must include an Internet address where the parent can view the exact test or survey to be administered.

The data collected through an authorized test or survey is a private record which may not be shared except in accordance with the Family Educational Rights and Privacy Act ("FERPA").

20 U.S.C. § 1232h
Utah Code § 53E-9-203 (2022)

Confidentiality—

The District shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in the District shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. The District shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information.

34 CFR § 300.623

Destruction of Information—

The District shall inform parents when personally identifiable information pertaining to education of students with disabilities is no longer needed to provide educational services to the student. Such information shall be destroyed on request of the parent. A permanent record of the student's name, address, and phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limit.

34 CFR § 300.624

Comprehensive System—

The Superintendent shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school personnel.

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for non-enrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent.

Custodian of Records—

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The Principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of records for students who have withdrawn or graduated. The student handbook distributed annually to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business address.

Types and Locations of Records—

Each record custodian, at the location listed in the student handbook, shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluation.
4. Health services records, including:
    a. The results of any tuberculin tests administered by the District.
    b. The findings of screening or health appraisal programs the District conducts or provides.
    c. Information and follow-up to ensure that parents have been notified of identified problems and of how they can obtain needed services for the students.
    d. Immunization records.
5. Attendance records.
6. Student questionnaires.
7. Records of teacher, counselors or administrative conferences with the student or pertaining to the student.
8. Verified reports of serious or recurrent behavior patterns.
9. Copies of correspondence with parents and others concerned with the student.
10. Records transferred from other districts the student has been enrolled in.
11. Records pertaining to participation in extracurricular activities.
12. Information relating to student participation in special programs.
13. Records of fees assessed and paid.
14. Other records that may contribute to an understanding of the student.

Request Procedures—

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The cumulative record shall be made available to the parent. Records may be reviewed during regular school hours upon written request to the record custodian. The record custodian or designee shall be present to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and the records shall be restricted to use only in the Superintendent's, Principal's, or counselor's office, or other restricted area designated by the record custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

Student Rights—

Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

34 CFR § 99.5(a)(1)
34 CFR § 99.3
34 CFR § 300.625
Utah Code § 53E-9-204(4)(b)(ii) (2019)

Access by School Officials—

For the purposes of this policy, "school officials" shall mean any employees, trustees, or agents of the District, of cooperatives of which the District is a member, or of facilities with which the District contracts for placement of handicapped students. The term also includes attorneys, consultants, and independent contractors who are retained by the District, by cooperatives of which the District is a member, or by facilities with which the District contracts for placement of handicapped students.

School officials have a "legitimate educational interest" in a student's records when they are working with the student, considering disciplinary or academic actions, or developing a handicapped student's individual education plan; compiling statistical data; or investigating or evaluating programs.

34 CFR § 300.622(b)(1)

Access by School Employees—

Each school within the District shall create and maintain a list that includes the name and position of each school employee who is authorized to have access to student education records. This list shall be provided to the Board of Education and whenever the list is updated the updated list shall be provided to the Board of Education.

Each person included on the list of employees authorized to have access to student education records shall complete training on student privacy laws and upon completion of such training shall sign a statement certifying that the employee completed the training and that the employee understands student privacy requirements. Each employee training certification statement shall be provided to the Board of Education.

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Unless written consent has been given by the student's parent (or the student if over 18 years of age) the school may only share student education records with or allow access to such records by those school employees included on the list of employees authorized to access student education records.

Utah Code § 53E-9-204 (2019)

Access by Parents—

Parents may be denied copies of records after the student reaches age eighteen (18) and no longer qualifies as a dependent for tax purposes, when the student is attending an institution of post-secondary education, or if the parents fail to follow proper procedures and pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of the parent, one copy of the record shall be provided at no charge.

Transcripts and Transfers of Records—

A school shall request a certified copy of a transfer student's record, directly from the transfer student's previous school, within fourteen (14) days after enrolling the transfer student unless the student is a military child (see below).

The District shall promptly forward education records upon request to officials of other schools or school systems in which the student intends to enroll within thirty (30) school days of the request, unless the student is a military child (see below).

Utah Code § 53G-6-604 (2018)

Military Child's Records—

If the parent or legal guardian of a military child requests an official education record and the school is unable to release the official education record, the school shall provide the parent or guardian of the military child with an unofficial education record.

If a school requires an official education record in order to enroll a student, the school shall enroll and appropriately place a military child based on information in an unofficial record pending validation by an official record.

A school that enrolls a military child shall request a certified copy of a military child's official education record, directly from the military child's previous school, simultaneously with enrolling the military child.

If a school receives a request to forward a certified copy of a military child's official education record, the school shall comply within ten (10) days of the request.

"Military child" means a child enrolled in kindergarten through grade 12 who is in the household of an active duty service member. (An "active duty service member" is an individual on full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders.

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Utah Code § 53E-3-903(1) (2019)
Utah Code § 53E-3-905(1), (2) (2018)

Records of a Missing Child—

Upon notification by the Criminal Investigations and Technical Services Division of the Department of Public Safety ("division") of a missing child, the school in which that child is currently or was previously enrolled shall flag the record of that child in a manner that whenever a copy of or information regarding the record is requested, the school is alerted to the fact that the record is that of a missing child.

The school shall immediately report any request concerning flagged records or knowledge as to the whereabouts of any missing child to the division. The school may not forward the record to the new school.

Upon notification by the division that a missing child has been recovered, the school shall remove the flag from that child's record.

Utah Code § 53G-6-602 (2018)

The Records Responsibility for Handicapped Students—

The official responsible for ensuring the confidentiality of any personally identifiable information in handicapped student records shall be the Superintendent.

A current listing of names and positions of persons who have access to handicapped student records is maintained at the office of the Superintendent.

Procedure to Amend—

Within fifteen (15) school days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten school days after the request is received. Parents shall be notified in advance of the date, time, and place of the hearing.

An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence, and at their own expense, may be assisted or represented at the hearing. The parents shall be notified of the decision in writing within ten school days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 school days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

Notice of Parent and Student Rights—

Family Education Rights and Privacy Act, 20 U.S.C. § 1232g

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The_____School District maintains general education records required by law. A student's school records are private and are protected from unauthorized inspection or use. A cumulative record is maintained for each student from the time the student enters the District until the student withdraws or graduates. This record moves with the student from school to school.

By law, both parents, whether married, separated, or divorced, have access to the records of a student who is a minor or a dependent for tax purposes, as do students who are eighteen (18) years of age or older. A parent whose rights have been legally terminated will be denied access to the records if the school is given a copy of the court order terminating these rights.

The Principal is custodian of all records for currently enrolled students at the assigned school. The Superintendent is the custodian of all records for students who have withdrawn or graduated. Records may be reviewed during regular school hours. The record custodian or designee will respond to reasonable requests for explanation and interpretation of the records. The address of the Superintendent's office
is:_____

The addresses of the Principals' offices
are:_____
_____ _____
_____ _____

Parents of a minor or a student who is a dependent for tax purposes, the student (if 18 or older), and school officials with legitimate educational interests are the only persons who have general access to a student's records. "School officials with legitimate educational interests" include any employees, agents, or Board Members of the District, or of cooperatives of which the District is a member, or of facilities with which the District contracts for placement of students with disabilities, as well as their attorneys and consultants, who are (1) working with the student; (2) considering disciplinary or academic actions, the student's case, or a student's individual education plan; (3) compiling statistical data; or (4) investigating or evaluating programs.

Certain other officials from various governmental agencies may have limited access to the records. The District forwards a student's records on request to a school in which a student seeks or intends to enroll without the necessity of the parent's permission. Parental consent is required to release the records to anyone else. When the student reaches eighteen (18) years of age, he or she has the right to consent to release of records transfers to the student.

The parent's or student's right of access to, and copies of, student records does not extend to all records. Materials such as, but not limited to, teachers' personal notes on a student that are shared only with a substitute teacher and records on former students do not have to be made available to the parents or students.

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Students over eighteen (18) and parents of minor students may inspect the student's records and request a correction if the records are inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. If the District refuses the request to amend the records, the requestor has the right to a hearing. If the records are not amended as a result of the hearing, the requestor has 30 school days to exercise the right to place a statement commenting on the information in the student's record. Although improperly recorded grades may be challenged, parents and students are not allowed to contest a student's grade in a course through this process. Parents or students have the right to file a complaint with the U.S. Department of Education if they feel that the District is not in compliance with the law regarding student records.

Copies of student records are available at a cost of $_____ per page, payable in advance. Parents may be denied copies of student's records (1) after the student reaches age eighteen (18) and is no longer a dependent for tax purposes; (2) when the student is attending an institution of post-secondary education; or (3) if the parent fails to follow proper procedures and pay the copying charge. If the student qualifies for free or reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of the parent, one copy of the record will be provided at no charge.

Certain information about District students is considered directory information. This information will be released to anyone who follows procedures for requesting it, unless the parent objects to the release of any or all directory information about his child. In connection with receiving federal funding, the District is also required by law to provide requesting military recruiters with secondary student names, addresses and telephone numbers unless the parent objects to the release of that information. (The same objection may be used for both general directory information release and release to military recruiters.) This objection must be made in writing to the Principal within ten school days after the issuance of this notice. Directory information includes: a student's name, address, telephone listing, email address, photograph, date and place of birth, major field of study, grade level, participation in officially recognized activities and sports, weight and height of members of athletic teams, enrollment status, dates of attendance, degrees, honors, and awards received, and most recent previous school attended.

The District's complete policy regarding student records is available from the Principal's or Superintendent's office.

20 U.S.C. § 1232g(e)
Utah Code § 53E-9-202(2) (2019)
20 U.S.C. § 7908

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Education and Family Privacy

Prohibited Disclosure or Psychological Testing—

Except as permitted below for crisis intervention, the School District prohibits the administration of any psychological or psychiatric examination, test, treatment, survey, analysis or evaluation or the obtaining or disclosing of defined information in curriculum or other school activities unless the student's parent has been given prior written notice and the School District has obtained consent as defined in this policy if such disclosure would tend to reveal information concerning the student's or a family member's:

1. political affiliation or philosophies (except as provided in Policy ECF);
2. mental or psychological problems;
3. sexual behavior, orientation or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of individuals with whom the student or family member has close family relationships;
6. religious affiliation or beliefs;
7. legally recognized privileged and analogous relationships, such as those with attorneys, medical professionals or religious clerics; and
8. income, except as otherwise required by law.

Utah Code § 53E-9-203(1) (2022)

At least two weeks before the identified information is obtained or disclosed, the parent of the affected student shall be given written notice of intent to obtain or disclose requested information. However, this requirement does not apply if there is a contrary court order, or the school employee is acting in response to a situation that the employee reasonably believes is an emergency, or where the matter has been reported to the Division of Family Services and the Division has asked that the information not be disclosed to the parent.

Utah Code § 53E-9-203(5)(a) (2022)

The notice to the parent shall state the availability of written information concerning:

1. the nature of records or information about relationships that have been requested for examination;
2. the means by which the records or information shall be examined;
3. a copy of any questions to be asked of the student in obtaining the desired survey information to be made available to the school;

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4. the means by which the information shall be obtained;
5. the identity of the person(s) or entity requesting release of the information;
6. the purposes for which the records are needed;
7. a method by which the parent of a student can grant permission to access or examine the personally identifiable information.

The written notice shall also include an Internet address where a parent can view the exact survey or examination to be administered to the student. If express written consent from the parent has not been obtained authorizing the collection or release of information and documents defined above, such documents and information shall not be obtained or disclosed.

Utah Code § 53E-9-203(2), (4) (2022)

Term of Consent—

Unless specifically stated otherwise in the authorization, the authorization is valid only for the activity for which it was granted. However, the school district is authorized to request parental authorization that shall be valid until the commencement of the subsequent school year or until the student withdraws from the program in which such testing, evaluation or survey is conducted.

Utah Code § 53E-9-203(5)(c) (2022)

Permitted Crisis Intervention—

Notwithstanding the prohibitions stated above, if a school employee, agent, or resource officer believes a student is at risk of (a) attempting suicide, (b) physical self-harm, or (c) harming others, then the employee, agent, or officer may question the student about the suicidal thoughts, self-harming behavior, or thoughts of harming others in order to refer the student to appropriate prevention services and to inform the student's parent. However, the questioning shall be limited to that which is necessary for referral to prevention services or to make the parent aware of the perceived risk.

Utah Code § 53E-9-203(7) (2022)

Private Information—

The data collected through an authorized test or survey is a private record which may not be shared except in accordance with the Family Educational Rights and Privacy Act ("FERPA"). Such data also may not be included in a student's Student Achievement Backpack, as that term is defined in Utah Code § 53E-3-511.

Utah Code § 53E-9-203(10) (2022)

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Non-Custodial Parent's Access to Child's Education Records

Both custodial and non-custodial parents shall be allowed access to their child's education records. However, a school principal or designee shall not allow a non-custodial parent access to the child's education records if:

1. A court has issued an order that limits the non-custodial parent's access to the child's education records; and
2. The school has received a copy of the court order or otherwise has actual knowledge of the order.

   Utah Code § 53G-7-204 (2018)

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Student Data Protection

Definitions—

1. "**Aggregate Data**" means data that:
   a. Are totaled and reported at the group, cohort, school, school district, region, or state level with at least 10 individuals in the level;
   b. Do not reveal personally identifiable student data; and
   c. Are collected in accordance with board rule.
2. "**Biometric Identifier**"
   a. Biometric identifier means a:
      i. Retina or iris scan;
      ii. Fingerprint;
      iii. Human biological sample used for valid scientific testing or screening; or
      iv. Scan of hand or face geometry.
   b. "Biometric identifier" does not include:
      i. A writing sample;
      ii. A written signature;
      iii. A voiceprint;
      iv. A photograph;
      v. Demographic data; or
      vi. A physical description, such as height, weight, hair color, or eye color.
3. "**Biometric Information**" means information, regardless of how the information is collected, converted, stored, or shared:
   a. Based on an individual's biometric identifier; and
   b. Used to identify the individual.
4. "**Cyber security framework**" means:
   a. the cyber security framework developed by the Center for Internet Security found at http://www.cisecurity.org/controls/; or
   b. a comparable IT security framework.

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5. "**Data Breach"** means an unauthorized release of or unauthorized access to personally identifiable student data that is maintained by an education entity.
6. "**Data Governance Plan**" means a comprehensive plan for managing education data that:
   a. Incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;
   b. describes the role, responsibility, and authority of an education entity data governance staff member;
   c. Provides for necessary technical assistance, training, support, and auditing;
   d. Describes the process for sharing student data between the District and another person;
   e. Describes the process for an adult student or parent to request that data be expunged including how to respond to requests for expungement;
   f. describes the data breach response process; and
   g. Is published annually and available on the District's website.
7. "**Destroy**" means to remove data or a record:
   a. In accordance with current industry best practices; and
   b. rendering the data or record irretrievable in the normal course of business of the District or a third-party contractor.
8. "**Disclosure**" means permitting access to, revealing, releasing, transferring, disseminating, or otherwise communicating all or any part of any individual record orally, in writing, electronically, or by any other communication method.
9. "**Expunge**" means to seal or permanently delete data so as to limit its availability to all except authorized individuals.
10. "**Metadata Dictionary**" means any tool, document, or display that:
    a. Defines and discloses all personally identifiable student data collected and shared by the education entity;
    b. comprehensively lists all recipients with whom the education entity has shared personally identifiable student data, including:
       i. The purpose for sharing the data with the recipient;
       ii. The justification for sharing the data, including whether sharing the data was required by federal law, state law, or a local directive; and
       iii. How sharing the data is permitted under federal or state law; and;

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c. Without disclosing personally identifiable student data, is displayed on the education entity's website.

11. "**Optional Student Data**" means student data that is neither necessary student data nor data which the District is prohibited from collecting (as described in **Prohibited Collection of Student Data**, below).

    a. "Optional student data" includes:

        i. Information that is related to an IEP or needed to provide special needs services but is not "necessary student data";

        ii. Biometric information; and

        iii. Information that is not necessary student data but is required for a student to participate in a federal or other program.

12. "**Significant data breach**" means a data breach where:

    a. An intentional data breach successfully compromises student records;

    b. A large number of student records are compromised;

    c. Sensitive records are compromised, regardless of number; or

    d. The surrounding circumstances make the breach significant as determined by the District.

    Utah Code § 53E-9-301 (2020)
    Utah Admin. Rules R277-487-2 (November 8, 2019)

District Responsibilities—

The District shall annually provide a training regarding the confidentiality of student data to any employee with access to education records as defined in FERPA.

The District shall designate an individual to act as a student data manager to fulfill the responsibilities of a student data manager described in **Requirements for Student Data Manager**, below.

If possible, the District shall designate a records officer pursuant to the Government Records Access and Management Act as defined in Utah Code § 63G-2-103(24), as the student data manager.

The District shall designate a District Information Security Officer.

The District shall implement a cyber security framework.

The District shall create and maintain a District:

1. Data governance plan; and
2. Metadata dictionary.

By October 1 annually, the District shall provide the State Superintendent with the following:

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1. The name and contact information of the District's Information Security Officer and its Student Data Manager;
2. The District's data governance plan;
3. The District's annual notification of FERPA rights;
4. The District's FERPA directory information notice;
5. The District's student data disclosure notice (see below);
6. The District's metadata dictionary; and
7. Evidence that the District has implemented a cyber security framework.

The District shall establish an external research review process to evaluate requests for data for the purpose of external research or evaluation.

Utah Code § 53E-9-303 (2019)
Utah Admin. Rules R277-487-2 (November 8, 2019)
Utah Admin. Rules R277-487-3(1) (November 8, 2019)

Student Data Ownership and Access—

A student owns the student's personally identifiable student data.

The District shall allow a student or a student's parent (or in the absence of a parent an individual who is acting as the student's parent) to access the student's student data which is maintained by the District.

Utah Code § 53E-9-304 (2020)

Data Retention—

The District shall classify all student data which it collects under an approved records retention schedule. The District shall retain and dispose of all student data in accordance with an approved records retention schedule.

If no existing retention schedule governs student disciplinary records collected by the District:

1. The District may propose to the State Records Committee a retention schedule of up to one year if collection of the data is not required by federal or state law or Board rule; or
2. The District may propose to the State Records Committee a retention schedule of up to three years if collection of the data is required by federal or state law or State Board rule, unless a longer retention period is prescribed by federal or state law or State Board rule.

The District's retention schedules shall take into account the District's administrative need for the data.

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Unless the data requires permanent retention, the District's retention schedules shall require destruction or expungement of student data after the administrative need for the data has passed.

A parent or adult student may request that the District amend, expunge, or destroy any record not subject to an approved retention schedule and believed to be inaccurate, misleading, or in violation of the privacy rights of the student. The District shall process such a request following the same procedures outlined to amend a student education record under FERPA, as set out in Policy FE "Right to Amend Records."

Utah Admin. Rules R277-487-4 (November 8, 2019)

Notification in Case of Breach—

If there is a release of a student's personally identifiable student data due to a significant data breach, the District shall notify:

1. The student, if the student is an adult student; or
2. The student's parent, if the student is not an adult student.

Utah Code § 53E-9-304(2) (2020)

Within 10 business days of the discovery of a significant data breach (either by the District or by third parties), the District shall report the significant data breach to the State Superintendent.

Utah Admin. Rules R277-487-3(3) (November 8, 2019)

Prohibited Collection of Student Data—

The District may not collect a student's:

1. Social Security number; or
2. Criminal record, except as required in Utah Code § 80-6-103 (Minor taken into custody by peace officer, private citizen, or juvenile probation officer).

Utah Code §53E-9-305(1) (2021)

Student Data Disclosure Statement—

If the District collects student data into a cumulative record it shall, in accordance with this section, prepare and distribute to parents and students a student data disclosure statement that:

1. Is a prominent, stand-alone document;
2. Is annually updated and published on the District's website;
3. States the necessary and optional student data the District collects;
4. States that the District will not collect the student data described in **Prohibited Collection of Student Data**, above;

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5. Describes the types of student data that the District may not share without a data authorization;
6. Describes how the District may collect, use, and share student data;
7. Includes the following statement: "The collection, use, and sharing of student data has both benefits and risks. Parents and students should learn about these benefits and risks and make choices regarding student data accordingly.";
8. Describes in general terms how the District stores and protects student data; and
9. States a student's rights under the student data protection statutes.

The notice may also include additional information relating to student and parent privacy, as determined by the District.

Utah Code § 53E-9-305(2), (8) (2021)

Student Data Disclosure Statement Recipients—

The District may collect the necessary student data of a student into a cumulative record only if the District provides a student data disclosure statement to:

1. The student, if the student is an adult student; or
2. The student's parent, if the student is not an adult student.

Utah Code § 53E-9-305(4) (2021)

Optional Student Data Collection—

The District may collect optional student data into a cumulative record only if it:

1. Provides, to an individual described in **Student Data Disclosure Statement Recipients**, above, a student data disclosure statement that includes a description of:
    a. The optional student data to be collected; and
    b. How the District will use the optional student data; and
2. Obtains a data authorization to collect the optional student data from an individual described in **Student Data Disclosure Statement Recipients**, above.

Utah Code § 53E-9-305(5) (2021)

Student Biometric Identifier and Biometric Information Data Collection—

The District may collect a student's biometric identifier or biometric information if the District:

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1. Provides, to an individual described in **Student Data Disclosure Statement Recipients**, above, a biometric information collection notice that is separate from a student data collection notice and which states:
   a. The biometric identifier or biometric information to be collected;
   b. The purpose of collecting the biometric identifier or biometric information; and
   c. How the District will use and store the biometric identifier or biometric information; and
2. Obtains written consent to collect the biometric identifier or biometric information from an individual described in **Student Data Disclosure Statement Recipients**, above.

Utah Code § 53E-9-305(6) (2021)

Sharing Student Data—

The District may not share a student's personally identifiable student data without written consent, except in conformance with the requirements of this policy and with the Family Educational Rights and Privacy Act ("FERPA") and related provisions under 20 U.S.C. §§ 1232g and 1232(h).

Utah Code § 53E-9-308 (2022)

Requirements for Student Data Manager—

The District will designate a student data manager who shall:

1. Authorize and manage the sharing, outside of the District, of personally identifiable student data for the District as described in this section;
2. Act as the primary local point of contact for the state student data officer described in Utah Code § 53E-9-302; and
3. Fulfill other responsibilities described in the District's data governance plan.

Utah Code § 53E-9-308(2) (2022)

Permitted and Prohibited Sharing of Student Data by Student Data Manager—

A student data manager may share the personally identifiable student data of a student with the student and the student's parent. Otherwise, a student data manager may only share a student's personally identifiable student data from a cumulative record in accordance with federal law or as follows. Such data may be shared with:

1. A school official;
2. An authorized caseworker, in accordance with this policy, or other representative of the Department of Human Services; or

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3. A person to whom the District has outsourced a service or function:
    a. To research the effectiveness of a program's implementation; or
    b. that the District's employees would typically perform.

A student data manager may share a student's personally identifiable student data from a cumulative record with a caseworker or representative of the Department of Human Services if:

1. The Department of Human Services is:
    a. legally responsible for the care and protection of the student; or
    b. providing services to the student; and
2. The student's personally identifiable student data is not shared with a person who is not authorized:
    a. to address the student's education needs; or
    b. by the Department of Human Services to receive the student's personally identifiable student data; and
3. The Department of Human Services maintains and protects the student's personally identifiable student data.

A student data manager may share a student's personally identifiable student data to improve educational outcomes for the student where the student is:

1. In the custody of or under the guardianship of, the Department of Human Services;
2. Receiving services from the Division of Juvenile Justice Services;
3. In the custody of the Division of Child and Family Services;
4. Receiving services from the Division of Services for People with Disabilities; or
5. Under the jurisdiction of the Utah Juvenile Court.

A student data manager may share aggregate data.

A student data manager may not share personally identifiable student data for the purpose of external research or evaluation except as follows: If a student data manager receives a request to share data for the purpose of external research or evaluation, the student data manager shall:

1. Verify that the request meets the requirements of 34 CFR § 99.31(a)(6);
2. Submit the request to the District's external research review process; and
3. Fulfill the instructions that result from the review process.

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If the student data manager is informed that the State Board of Education intends to share student data collected by the District with the Utah Registry of Autism and Developmental Disabilities, the student data manager shall give notice to the parent of each student whose data is to be shared of the State Board's intention to share the data. This notice shall be provided at least 30 days before the State Board is to share the data. If a parent requests that the State Board not share the data, the student data manager shall relay that request to the State Board.

A student data manager may share personally identifiable student data in response to a subpoena issued by a court.

In accordance with State Board of Education rule, a student data manager may share personally identifiable information that is directory information.

Utah Code § 53E-9-308 (2022)

Third Party Contractors—

The District may provide a third-party contractor with personally identifiable student data received under a contract with the District strictly for the purpose of providing the contracted product or service within the negotiated contract terms.

When contracting with a third-party contractor, the District shall require the following provisions in the contract:

1. Requirements and restrictions related to the collection, use, storage, or sharing of student data by the third-party contractor that are necessary for the District to ensure compliance with the provisions of the Student Data Protection Act and State Board of Education rules;
2. A description of a person, or type of person, including an affiliate of the third-party contractor, with whom the third-party contractor may share student data;
3. Provisions that govern requests by the District for the deletion of the student data received by the third-party contractor from the District;
4. Except as provided in this policy and if required by the District, provisions that prohibit the secondary use of personally identifiable student data by the third-party contractor; and
5. An agreement by the third-party contractor that, at the request of the District, the District or its designee may audit the third-party contractor to verify compliance with the contract.

A third-party contractor's use of personally identifiable student data shall be in accordance with Utah Code §§ 53E-9-309, 53E-9-310 and FERPA.

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If the District contracts with a third-party contractor to collect and have access to the District's student data, the District shall monitor and maintain control of the data.

If the District contracts with a third-party contractor to collect and have access to the District's student data, the District shall notify a student and the student's parent or guardian in writing that the student's data is collected and maintained by the third-party contractor.

Utah Admin. Rules R277-487-7 (November 8, 2019)
Utah Code § 53E-9-309 (2020)
Utah Code § 53E-9-310 (2019)

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Student Activities

Extracurricular Activities—

There is no constitutional right to participate in extracurricular activities and student government, and this policy does not create such a right.

Students who participate in student government and extracurricular activities become role models for others in the school and community. These individuals often play major roles in establishing standards of acceptable behavior in the school and community and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school. It is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and standards of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.

Utah Code § 53G-8-209 (2020)

Participation Eligibility—

A student in grades 7-12 may participate in extracurricular activities on or off campus at the beginning of the school year.

In order to be eligible to participate in an extracurricular activity event for a grade report period following the initial grade report period of a school year, a student shall not have a recorded grade average lower than _____ on a scale of 0-100 in _____ course(s) for the preceding grade report period or have more than _____ failed or incomplete courses for the preceding grade report period.

Prohibited Conduct—

The following prohibited conduct may render a student ineligible for and/or unable to continue participation in student government and/or extracurricular activities, if occurring while the student is in the classroom, on school property, or during school-sponsored activities, regardless of location or circumstances:

1. Use of foul, abusive, or profane language while engaged in school-related activities;
2. Illicit use, possession, or distribution of a controlled substance, drug paraphernalia, a tobacco product, an electronic cigarette product, or an alcoholic beverage; or
3. Hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings,

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forced ingestion of any substance, or any act which would constitute a crime against a person or public order under state law.

Utah Code § 53G-8-209 (2020)

Suspension from Extracurricular Activities—

A student whose recorded report period grade average in any course is lower than_____ at the end of a grade report period shall be suspended from participation in any extracurricular activity event during succeeding grade report periods until the end of a grade report period during which the student achieves a course grade average for that grade report period of at least _____ in each course. This suspension shall become effective seven days after the last day of the grade report period during which the grade lower than_____ was earned.

Students with Disabilities—

Suspension of a student with disabilities whose disability significantly interferes with the student's ability to meet regular academic standards shall be based on the student's failure to meet the requirements of the student's Individual Education Program, as determined by the Special Education Committee.

Out-of-School Practice—

A student who has been suspended from extracurricular activity events shall also be suspended from out-of-school practice in extracurricular activities until suspension from participation has been lifted.

Limit on Suspension—

A student may not be suspended under this provision during the period in which school is recessed for the summer or during the initial grade reporting period of a regular school term on the basis of grades received in the final grade report period of the preceding regular school term.

Reinstatement to Extracurricular Activities—

At the end of any grade report period in which a student attains a course grade average for that period of _____ or more in each course taken, any suspension from participation in extracurricular activities and/or suspension from out-of-school practice for extracurricular activities shall be removed.

Practice and Performance—

Schools shall comply with the rules and regulations of the Utah High School Activities Association in scheduling and conducting practices and performances of competitive play.

Utah High Schools Activities Association Handbook 2020-21, Bylaws Art. 2

Classes—

Schools shall not schedule full-year physical education or athletic fitness and movement classes for specific school teams. In schools where in-season fitness and

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movement classes are scheduled, the classes shall not be used to violate the starting and stopping dates for practice and competitive play as prescribed by the UHSAA. High school competitive extracurricular programs shall be supplementary to the high school curriculum.

Utah Admin. Rules R277-605-3 (July 22, 2022)

Athletic classes conducted for specific school teams shall not be scheduled throughout the regular school day. First and last period athletic assignments may not preclude a coach from teaching a full load of classes during the school day.

Off-Season Clinics—

Required or voluntary participation in summer or other off-season clinics, workshops, and leagues may not be used as criteria for team membership or for the opportunity to try out for team membership. School personnel, activity leaders, coaches, advisory and other personnel shall not require students to attend out-of-school camps, clinics or workshops for which the personnel, activity leaders, coaches or advisory personnel receive remuneration from a source other than the school or district in which they are employed.

A summer workshop or clinic conducted by a school for any sport or activity shall be scheduled and held consistent with UHSAA bylaws and policies.

Utah Admin. Rules R277-605-5 (July 22, 2022)
Utah High Schools Activities Association Handbook 2020-21, Bylaws Art. 2, Sec. 3

Supervision—

Coaches and other designated school leaders shall diligently supervise students at all times while on school-sponsored activities, including during the activity itself, in locker rooms, seating areas, eating establishments, lodging facilities and during travel. Coaches and designated school leaders are responsible for a student as long as the student remains on school grounds following a school-sponsored activity unless the student has been turned over to the personal custody and supervision of the student's parent. Coaches and school leaders accompanying school players and teams shall at no time leave them unsupervised. Coaches, assistants, and advisers shall not permit hazing, demeaning, or assaultive behavior (whether consensual or not), including behavior involving physical violence, restraint, improper touching, inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

Utah Admin. Rules R277-605-4(1), (2), (4) (July 22, 2022)

Training—

Coaches shall complete required training relating to child sexual abuse prevention as provided for in Policy DDAA and bullying, cyber-bullying, hazing and retaliation as provided for in Policy DLA and Policy FGAD. Athletic coaches shall also complete required training relating to concussions as provided for in Policy FDAF. In addition, athletic coaches shall maintain high-quality hands-on

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cardiopulmonary resuscitation and first aid certification through an approved provider. (Approved providers are the American Heart Association, the American Red Cross, the American Safety and Health Institute, the National Safety Provider, or another provider approved by the State Superintendent.)

Utah Admin. Rules R277-605-2(1) (July 22, 2022)
Utah Admin. Rule R277-605-6 (July 22, 2022)

Example—

A coach or other designated school leader shall not participate in the use of alcoholic beverages, tobacco products, electronic cigarette products, controlled substances, or promiscuous sexual relationships while on school-sponsored activities.

Utah Admin. Rules R277-605-4(3) (July 22, 2022)
Utah Code § 53G-8-209(2) (2020)

Definitions—

Definitions of curricular, co-curricular, and extracurricular activities shall be as follows:

1. Curricular activities occur within the regular school day and constitute the delivery of instruction to students in the District.
2. Co-curricular activities are an extension of classroom instruction in which participation is by the entire class or a significant portion thereof. They relate directly to, and enhance student learning of, essential elements through participation, demonstration, illustration, and observation. Co-curricular activities are included in the teacher's instructional plan and are conducted by or supervised by a classroom teacher or other educational professional such as a librarian, school nurse, counselor, or administrator. Students suspended from extracurricular activities because of a grade(s) below _____ or more than _____ failed courses shall not be prevented from participating in after-school co-curricular activities.
3. Extracurricular activities are school-sponsored activities that are not directly related to instruction of the essential elements, but that may have an indirect relation to some areas of the curriculum. They offer worthwhile and significant contributions to a student's personal, physical, and social development. Participation in extracurricular activities is a privilege and not a right, and students must meet specific requirements in order to participate. Activities may include, but are not limited to, performances, contests, demonstrations, displays, and club activities.

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Student Activities
Publications and Prior Review

School-Sponsored Expressive Activities

The District's professional employees shall exercise editorial control over style and content of student speech in school-sponsored expressive activities. Inclusion of student material in school-sponsored activities shall not be the basis of a grade.

The District may refuse to disseminate or sponsor student speech that:

1. Might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order.
2. Is inappropriate for the level of maturity of the readers.
3. Does not meet the standards of the professional employees who supervise the production of the publication.
4. Associates the school with any position other than neutrality on matters of political controversy.

Hazelwood School District v. Kuhlmeier, 484 U.S. 260, 272 (1988)

School-Sponsored Publications

Students who have a complaint regarding a decision about the content or style of school's sponsored publication shall present that complaint in accordance with Board policy.

Prior Review of Non-School Materials

"Written Material" includes any book, magazine, pamphlet, newspaper, year book, picture, photograph, drawing, or any other written or printed matter or visual representation however produced, but does not include private, written student communications from one student to another.

All written material over which the District does not exercise control that is intended for distribution to students shall be submitted for prior review according to the following procedures:

Material shall be submitted to the building Principal for review.

1. The Principal or the Principal's designee shall approve or disapprove submitted material within three (3) school days of the time the material is received. If the submitted material is disapproved, the principal or his designee shall provide a written explanation of the reason(s) the material is disapproved and allow the student(s) to resubmit the material after the student(s) have revised the written material. If the student(s) believe that the written material is urgent or emergent and requires approval sooner than three (3) school days, the student shall provide a written explanation

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of the urgent or emergent circumstances along with the submitted material.

2. Disapproval may be appealed to the Superintendent who shall decide the appeal within five (5) school days of receipt of the appeal. Failure of the Superintendent to act within the five (5) school day period shall be interpreted as disapproval.
3. Disapproval of a request to distribute material may be appealed to the Board.

Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)

Non-School Publications

Content of the non-school-sponsored materials to be distributed must conform to the following standards:

1. Materials that are indecent, vulgar, obscene to minors or sexually inappropriate for the age and maturity of the audience, or that endorse actions endangering the health and safety of students shall not be distributed.
   a. "Obscene to minors" is defined as:
      i) The average person, applying contemporary community standards, would find that the written material, taken as a whole appeals to the prurient interest of minors of the age to whom distribution is requested;
      ii) The material depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), excretory functions, and lewd exhibition of the genitals; and
      iii) The material, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

   Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987)
   Shanley v. Northeast ISC, 462 F.2d. 960 (5th Cir. 1972);
   Williams v. Spencer, 622 F.2d 1200 (4th Cir. 1980);
   Trachtman v. Anker, 563 F. 512 (2nd Cir. 1977), cert denied 98 S. Ct. 1491 (1977)
2. Material may not be forbidden if the portions or specific language objected to may also be found in material that is made available to students through school facilities, i.e., the school library or readings assigned by teachers.

   Channing Club v. Board of Regents, 317 F. Supp. 688 (1970)
3. Libelous material may be prohibited from distribution. Libelous material includes defamatory falsehoods and unprivileged statements about public

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figures or governmental officials, which are made with knowledge of their falsity or reckless disregard for truth.

Shanley v. Northeast ISD, 462 F.2d 960, 964 (5th Cir. 1972)
Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974)

4. Publications that criticize Board members or school officials or advocate violation of school rules may be prohibited if it appears likely that the publication of this material will substantially interfere with or disrupt the operations of the school. “Bare allegations” of disruption or unsubstantiated speculation as to what “might” happen or “could result” are not sufficient to support a reasonable forecast of disruption of the normal operations of the school. Material that is merely offensive or unpopular, or that stimulates controversy, shall not be restricted or forbidden.

   Tinker v. Des Moines ISD, 393 U.S. 503 (1969)
   Shanley v. Northeast ISD, 462 F.2d 960 (5th Cir. 1972)
   Sullivan v. Houston ISD, 475 F.2d 1071 (5th Cir. 1973)

5. Advocacy directed toward inciting or producing imminent lawless or disruptive action and that is likely to incite or produce such action shall be restricted.

   Healey v. James, 408 U.S. 169, 189 (1972)
   Brandenburg v. Ohio, 395 U.S. 444, 447 (1969)

6. Hate literature that scurrilously attacks ethnic, religious, or racial groups, and similar irresponsible publications aimed at creating hostility and violence may be banned if it falls within the disruption standard described at item (4) above.

Distribution of Non-School Publications

Distribution may be limited in order to prevent material and substantial interference with normal school operations in circumstances where there is evidence that reasonably supports a forecast that disruption will likely result directly from the distribution. “Bare allegations” of disruption or unsubstantiated speculation as to what “might” happen or “could result” are not sufficient to support a reasonable forecast of disruption of the normal operations of the school. Moreover, material that is merely offensive or unpopular, or that stimulates controversy, shall not be restricted or forbidden.

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Student Activities
Organizations and Clubs: Secret Societies

Secret Societies

The Board prohibits any fraternity, sorority, or secret society, or any organization composed wholly or in part of pupils of public schools below the rank of college or junior college which seeks to perpetuate itself by taking in additional members from the pupils enrolled in such school on the basis of the decision of its membership, rather than upon the free choice of any pupil in the school, who is qualified under the rules of the school, to fill the special aims of the organization.

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Student Travel Policy

Administrator Approval of Travel

The Student Travel and Tours policy shall be administered according to the following guidelines:

School Principal Approval

Principals shall be responsible for coordinating development of student activity and travel plans according to the following criteria:

Distance of Travel

Whenever possible, student activities shall be scheduled in close proximity to the local school and the need for long distance or overnight travel avoided.

Overnight Travel—Elementary and Middle Schools

Overnight travel shall not be included as part of the elementary and middle school educational program. Learning experiences away from the local school shall be provided by field trips during the school day.

Overnight Travel—High School and Activities Association

Overnight travel may be part of the educational program for high school students when the travel is for an activity sponsored by the Utah High School Activities Association, a state or nationally affiliated educational organization, or an approved school program.

Overnight Travel—High School Sponsor

Overnight travel may be part of the educational program for high school students when the anticipated educational benefits warrant the required expenditures, comparable experiences are not available at the local school, and the travel costs will not burden families unduly.

Abiding by High School Activities Association Rules

Schools shall abide by the regulations governing intrastate competitions outlined in the Utah High School Activities Association bylaws.

Limit to Travel Time

Each school shall be limited to a total of overnight travel experiences during the academic year where such travel necessitates missing days of school. No such experience shall cause a student to miss more then two (2) days of school. (Special circumstances requiring additional days from school for valid educational purposes may be appealed to the Board of Education.)

Student Organization Travel

Student organizations shall be limited to one overnight travel experience per year. An exception may be granted for up to eight (8) elected student leaders

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in each applied technology organization if in the principal's judgment it is deemed essential to the successful completion of their program. (Note: Exemptions granted for leaders in applied technology programs need not be counted in the fifteen (15) total overnight travel experiences.) An exception may also be granted to an individual student or group of students if winning at the local, state or national level provides an invitation to compete at the next level of competition sponsored by the same organization or entity. Such competition at the next level shall not count against the fifteen (15) activities allowed per school, neither the one activity per organization nor the two (2) allowable days missed from school.

Supervision

Supervision for student travel must be provided at a ratio of one (1) responsible adult per fifteen (15) students. Supervisors shall be primarily advisors and parents.

Payment of Travel Expenses

All expenses associated with the trip must be paid by the participants themselves, covered by fund raising, or financed by vocational or other state or federal monies provided expressly for the activity. School student body funds may not be used. All funds must be received prior to travel or expenditure of funds for such travel.

Transportation Methods

Transportation shall be by commercial carrier, or by School District Transportation services, for all overnight travel. No private aircraft may be used for student travel. Ground transportation guidelines are as follows:

1. Only those commercial carriers licensed to operate in Utah shall be used.
2. School District buses may be used in the following circumstances:
    a. the trip is to take place when school is not in session.
    b. the travel is to be within the state.
    c. the request for service is submitted at least one month in advance.
    d. the request is approved by the Director of Transportation.
3. No private vehicles may be used in overnight travel or school sponsored excursions which exceed 150 miles one way. Parents or legal guardians wishing to transport their own children, with the approval of the administration and/or the team coach/adviser, will not be under the jurisdiction of the School District.
    a. Commercially rented buses or other modes of ground transportation may be used upon arrival at destination. If the destination is over 150 miles one way, a commercial carrier, with a professional operator, must be utilized. Travel waivers of liability must be properly filled out and on file for all travel.

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b. Local student travel of less than 150 miles one way shall adhere to the following provisions:

i. District bus transportation is the preferred method of transporting students. A parent/guardian must sign the school registration card which grants permission to his/her student to ride district buses.

ii. Use of private vehicles for school-related travel is strongly discouraged. If a private vehicle is used for student travel, the driver must be twenty-one (21) years of age or older and be free of convictions for alcohol or other substance abuse violations and must complete School District's Vehicle Owner/Driver Waiver of Liability form (Disclaimer). The form must be filed with the school's administration in advance.

iii. Upon the request of the parent/guardian, a student under age twenty-one (21) and at least sixteen (16) years of age or older, who chooses to use a private vehicle for travel to/from school activities must complete the following: the Passenger Waiver of Liability form, disclaimers contained within the School District Activity Release Form, obtain signatures by both the drive and each passenger(s) of the vehicle, and have the form signed by parent/guardian. This policy does not apply to travel by students to/from school from their homes.

iv. The driver/owner of the private vehicle must ensure the vehicle is covered by liability insurance and has passed the state-required safety inspection. The driver of the private vehicle and all passengers must complete the Waiver of Liability Form which must be on file in advance.

Requests for Travel

Requests for overnight travel shall be submitted to the superintendent or designee at least forty-five (45) days prior to the proposed trip. The request shall include:

1. The name of the group requesting permission to travel.
2. The objectives of the trip.
3. The proposed destination, mode of travel, and number of students involved.
4. The number of school days missed. (May not exceed two (2).)
5. The estimated cost of the trip and mode of payment, including a summary of proposed fund raising activities and Fund Raising Authorization Forms.
6. A list of advisors and adult supervisors.
7. The principal's signature of approval. (Cannot be a designee.)

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Parental Notice and Approval

Once a travel request is approved by the appropriate administrator or Board of Education, a meeting shall be held at the school for parents of potential student participants. The principal or student advisor shall review the proposed travel itinerary, anticipated per student costs, and fund raising options. Parents shall be given the opportunity to approve or disapprove the proposed travel plan.

1. If seventy-five (75) percent of the parents fail to approve the plan and do not grant written permission for their child to participate, plans for the trip shall be abandoned.
2. If seventy-five (75) percent of the parents do approve of the plan and give written permission for their child to participate, the organization may proceed with further planning and fund raising.

No Penalties

Students who, for any reason, do not participate in activity travel shall not be penalized. Nonparticipation shall not impact grades or the student's status in the class or organization.

Privately Sponsored Tours

Privately sponsored and commercial student tours:

1. An employee must purchase advertising space to advertise an activity in a publication that accepts advertising, whether or not sponsored by schools in the school district or by the school district. Such publications include school newspapers, but not school newsletters. Unless the activity is sponsored by the school district, the advertisement shall state clearly that the activity is not sponsored by the school or school district.
2. Employees affiliated with private tour agencies are prohibited from using students as a captive audience for soliciting tour participation.
3. School facilities, supplies, and equipment may not be used for the purpose of advertising privately sponsored tour participants.
4. Tour agencies may rent building space in accordance with Policy.

Post-Graduate Travel

District schools shall not sponsor activity travel for post-graduate students such as graduation trips, music tours, etc.

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STUDENT ACTIVITIES:

Non-enrolled District Students' Participation in Extracurricular Activities

Definitions—

The following definitions apply for purposes of this policy:

1. "Academic Eligibility Panel" means a three-person panel selected by the District's superintendent from nominees submitted by national, state, or regional organizations whose members are home school students and parents. The three panel members will include:
   a. one member with experience teaching in a public school as a licensed teacher and in home-schooling high school-age students;
   b. one member with experience teaching in a higher education institution and in-home schooling; and
   c. one member with experience in home schooling high school-age students.

   Utah Code § 53G-6-703 (2019)
2. "Competitive extracurricular activities" means
   a. an interscholastic competition of athletic teams sponsored and supported by a public school; or
   b. an interscholastic contest or competition for music, drama, or forensic groups or teams sponsored and supported by a public school.

   Utah Code § 53G-6-703 (2019)
3. "Online education" means the use of information and communication technologies to deliver educational opportunities to a student in a location other than a school.

   Utah Code § 53G-6-705(1)(a) (2019)
4. "Online student" means a student who participates in an online education program sponsored or supported by the State Board of Education, a school district, or a charter school and who generates funding for the school district or school under Utah Code § 53F-2-102(4) and State Board of Education Rules.

   Utah Code § 53G-6-705(1)(b) (2019)
5. "Qualifying online student" means an online student seeking to participate in competitive extracurricular activities at a district school:
   a. within the attendance boundaries of which the student's custodial parent resides; or

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b. from which the on-line student withdrew for the purpose of participating in an on-line education program.

Utah Code § 53G-6-705(2) (2019)

6. "Qualifying charter school student" means a charter school student seeking to participate in competitive extracurricular activities, which are not offered at the student's charter school, at a district school:

   a. within the attendance boundaries of which the student's custodial parent resides; or

   b. from which the charter school student withdrew to attend charter school; or

   c. if the student's charter school is located on or has Board approval to locate on the campus of that district school; or

   d. as may be provided for in rules established by the Utah State Board of Education.

   Utah Code § 53G-6-704(1), (2) (2019)

7. "Qualifying private school student" means a private school student seeking to participate in competitive extracurricular activities, which are not offered at the student's private school, at a district school:

   a. within the attendance boundaries of which the student's custodial parent resides; or

   b. from which the private school student withdrew to attend private school.

   Utah Code § 53G-6-703 (2019)

8. "Qualifying home school student" means a home school student seeking to participate in competitive extracurricular activities at a district school:

   a. within the attendance boundaries of which the student's custodial parent resides; or

   b. from which the home school student withdrew to attend home school.

   Utah Code § 53G-6-703 (2019)

9. "Qualifying students" means qualifying home school, private school, charter school, or online students as defined above.

Eligibility Requirements for Participation in Extracurricular Activities for Qualifying Students—

Qualifying students who are not enrolled in District schools are eligible to participate in extracurricular activities. Schools may allow non-qualifying students who are not enrolled in District schools to participate in extracurricular activities, with the exception of competitive extracurricular activities.

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Qualifying students who are not enrolled in District schools shall be eligible to participate in an extracurricular activity at a District school consistent with eligibility standards:

1. applied to a fully enrolled District school student;
2. of the District school where the qualifying student participates in an extracurricular activity; and
3. for the extracurricular activity in which the qualifying student participates.

District schools may not impose additional requirements on qualifying students to participate in an extracurricular activity that are not imposed on fully enrolled students at the District school.

Utah Code § 53G-6-703 (2019)

Eligibility Requirements for Participation in Competitive Extracurricular Activities for Qualifying Home School Students—

Eligibility requirements based on school attendance are not applicable to a qualifying home school student.

A qualifying home school student meets academic eligibility requirements to participate in an extracurricular activity if:

1. the student is mastering the material in each course or subject being taught; and
2. the student is maintaining satisfactory progress towards achievement or promotion.

To establish a qualifying home school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an academic eligibility affidavit to the principal indicating the student meets academic eligibility requirements. Upon submission of this affidavit, a qualifying home school student shall:

1. be considered to meet academic eligibility requirements; and
2. retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:
    a. an academic eligibility panel determines the home school student does not meet academic eligibility requirements; or
    b. the person who submitted the academic eligibility affidavit provides written notice to the school principal that the student no longer meets academic eligibility requirements.

A home school student who loses academic eligibility pursuant to Subsection (2)(b) above may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (2)(b) provides written notice to the school principal that the home school student has reestablished academic eligibility. If a

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home school student reestablishes academic eligibility as described above, the home school student may participate in extracurricular activities for the remainder of the activity season.

A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:

1. asserting the home student does not meet academic eligibility requirements; and
2. providing information indicating that the home school student does not meet the academic eligibility requirements.

A principal shall review the affidavit, and if the principal determines it contains information which constitutes probable cause to believe a home school student may not meet academic eligibility requirements, the principal shall request an academic eligibility panel to verify the student's compliance with academic eligibility requirements.

The District Superintendent shall appoint an academic eligibility panel to verify a home school student's compliance with academic eligibility requirements when requested by a principal. A panel shall:

1. review the affidavit and may confer with the person who submitted the affidavit;
2. request the home school student to submit test scores or a portfolio of work documenting the student's academic achievement to the panel;
3. review the test scores or portfolio of work; and
4. determine whether the home school student meets academic eligibility requirements.

If the panel determines that the home school student meets academic eligibility requirements, the student will retain academic eligibility for all extracurricular activities during the activity season for which an affidavit was submitted. A panel's determination that a home school student does not comply with academic eligibility requirements is effective for an activity season and all extracurricular activities that have academic eligibility requirements.

Utah Code § 53G-6-703 (2019)

Extracurricular Activities Fees—

Qualifying students who participate in an extracurricular activity at a District school shall pay the same fees as required of fully enrolled District school students to participate in an extracurricular activity.

If the District imposes a mandatory student activity fee for a student enrolled in a District school, the fee may be imposed on a qualifying student who participates in an extracurricular activity at a District school if the same benefits of paying the mandatory student activity fee that are available to a fully enrolled District school

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student are available to a qualifying student who participates in an extracurricular activity at the District school.

Utah Code § 53G-6-703 (2019)

All fees, including school participation fees, student participation fees and activity fees shall be paid prior to student participation. School fees for qualifying students shall be waived by the District if required under Utah law and state board of education policy. However, the student's on-line or charter school shall be responsible for payment of waived fees to the District.

Utah Admin. Rules R277-438-4 (December 8, 2016)
Utah Admin. Rules R277-494-3(7) (December 16, 2020)

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Clubs
Curricular and Noncurricular Student Groups

Purpose—

The Board of Education of the _____ School District has determined that the educational goals of the School District are furthered by recognizing curricular clubs and those noncurricular student groups which comply with this Policy.

Definitions—

The following definitions apply to this Policy:

1. "Bigotry" means action or advocacy of imminent action involving:
   a. the harassment or denigration of a person or entity; or
   b. any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined by law.
2. "Club" means any student organization that meets during noninstructional time.
3. "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.
4. "Curricular club" means a club that is school sponsored and that may receive leadership, direction, and support from the school or District beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by school sponsors at the elementary school. A secondary school curricular club means a club:
   a. whose subject matter is taught or will soon be taught in a regular course;
   b. whose subject matter concerns the body of courses as a whole;
   c. in which participation is required for a particular course; or
   d. in which participation results in academic credit.
5. "Discretionary time" means school-related time for students that is not instructional time, including free time before and after school, during lunch

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and between classes or on buses, and private time before athletic and other events or activities.

6. “Encourage criminal or delinquent conduct” means action or advocacy of imminent action that violates any law or administrative rule but does not include discussions concerning changing of laws or rules or actions taken through lawfully established channels to effectuate such change.
7. “Instructional time” means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity, including instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.
8. “Involve human sexuality” means:
   a. presenting information in violation of laws governing sex education, including Utah Code §§ 53G-10-402 and 53E-9-203;
   b. advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or
   c. presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.
9. “Limited open forum” means a forum created by the District for student expression within the constraints of Utah Code § 53G-10-203(2)(b).
10. “Noncurricular club” is a student-initiated group that may be authorized and allowed school facilities use during noninstructional time in secondary schools by a school and school governing board in accordance with law. A noncurricular club’s meetings, ideas, and activities are not sponsored or endorsed in any way by the Board, the District or District employees. A noncurricular club shall have a minimum of three members.
11. “Noninstructional time” means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.
12. “Religious club” means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.
13. “School facilities use” means access to a school facility, premises, or playing field. “School facilities use” includes access to a limited open forum.

Utah Code § 53G-7-701 (2019)

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Limited Open Forum and Reservation of Right to Close Forum—

Schools within the District may establish and maintain a limited open forum for student clubs pursuant to law, State Board of Education rules, and District Policy. Notwithstanding, the Board of Education retains the right to create a closed forum in the District or at any of its schools at any time by allowing curricular clubs only.

Utah Code § 53G-7-702(1) (2019)

Delegation of Authority to Local Schools—

The Board hereby authorizes local schools within the District to review applications for club authorization. A local school principal shall review applications for authorization of clubs on a case-by-case basis. Before granting an authorization, the school shall find that the proposed club meets the requirements of a curricular club or a noncurricular club, and that the proposed club's purpose and activities comply with this Policy. A school shall grant authorization and school facilities use to curricular and noncurricular clubs whose applications are found to meet the requirements of this Policy, rules of the State Board of Education, and policies of the District and shall limit or deny authorization or school facilities use to proposed clubs that do not meet the requirements of this part, rules of the State Board of Education, and policies of the District.

Utah Code § 53G-7-702(2), (3) (2019)

Formation and Renewal of Student Club—

Within twenty (20) school days after the beginning of the school year, each student group seeking to establish a club under this Policy must submit an application to form a club. In addition to filing an initial application to form the club, within twenty (20) days after the beginning of the school year each club must submit to the principal or a designee an application annually.

Curricular Club Application for Authorization—

Faculty members or students proposing a curricular club shall submit written application for authorization on a form approved by the District. However, clubs whose membership is determined by student body election or clubs that are governed by an association that regulates interscholastic activities are exempted from these application requirements.

1. An application for authorization of a curricular club shall include:
    a. the recommended club name, which must be consistent with the club's purposes and school sponsorship;
    b. a statement of the club's purpose, goals, and activities;

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c. a statement of the club's categorization, which shall be included in the parental consent required under Utah Code § 53G-7-709, indicating all of the following that may apply:

i. athletic;

ii. business/economic;

iii. agriculture;

iv. art/music/performance;

v. science;

vi. gaming;

vii. religious;

viii. community service/social justice; and

ix. other;

d. the recommended meeting times, dates, and places;

e. a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and

f. a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

2. If the school finds that the proposed club is a noncurricular club, the school may:

a. return the application to the faculty member or students proposing the club for amendment; or

b. review the application as an application for authorization of a noncurricular club.

Utah Code § 53G-7-703 (2019)

Noncurricular Club Annual Application for Authorization—

Students proposing a noncurricular club shall submit a written application for authorization on a form approved by the District.

1. An application for authorization of a noncurricular club shall include:

a. the recommended club name, which must reasonably reflect the club's purpose, goals, and activities;

b. a statement of the club's purpose, goals, and activities;

c. a statement of the club's categorization, which shall be included in the parental consent required under Utah Code § 53G-7-709, indicating all of the following that may apply:

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i. athletic;

ii. business/economic;

iii. agriculture;

iv. art/music/performance;

v. science;

vi. gaming;

vii. religious;

viii. community service/social justice; and

ix. other;

d. the recommended meeting times, dates, and places;

e. a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and

f. a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

Utah Code § 53G-7-704 (2019)

Name Approval—

A school may grant access to the club but condition such access on the change of the club name to ensure that the club name:

1. accurately reflects the actual nature, purpose and activities of the club;
2. does not improperly imply school sponsorship or affiliation; or
3. will not result in undue disruption of school operations, subject students to harassment or persecution, imply inappropriate association with any non-school organizations or groups, or imply that the club would operate in violation of laws or rules.

Utah Code § 53G-7-704(5) (2019)

Clubs – Limitations and Denials—

1. A school shall limit or deny authorization or school facilities use to a club or require changes prior to granting authorization or school facilities use:

   a. as the school determines it to be necessary to

      i. protect the physical, emotional, psychological, or moral well-being of students and faculty;

      ii. maintain order and discipline on school premises;

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iii. prevent a material and substantial interference with the orderly conduct of a school's educational activities;

iv. protect the rights of parents and students;

v. maintain the boundaries of socially appropriate behavior; or

vi. ensure compliance with all applicable laws, rules, regulations, and policies; or

b. whose proposed application and proposed activities indicate students or advisors in club related activities would as a substantial, material, or significant part of their conduct or means of expression:

i. encourage criminal or delinquent conduct;

ii. promote bigotry;

iii. involve human sexuality; or

iv. involve any effort to engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under state law.

2. If a school or the District limits or denies authorization to a club, the school or the District shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial.

Utah Code § 53G-7-705 (2019)

Faculty Oversight of Authorized Clubs—

1. A school shall approve the faculty sponsor, supervisor, or monitor for each authorized curricular, noncurricular, and religious club to provide oversight consistent with this Policy and the needs of the school to ensure that the methods of expression, religious practices, or other conduct of the students or advisors involved do not:

a. unreasonably interfere with the ability of school officials to maintain order and discipline;

b. unreasonably endanger or threaten the well-being of persons or property;

c. violate concepts of civility or propriety appropriate to a school setting; or

d. violate applicable laws, rules, regulations, and policies.

2. Sponsors.

a. A school shall annually approve faculty members as sponsors of curricular clubs.

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b. Sponsors shall organize and direct the purpose and activities of a curricular club.

3. Supervisors and monitors.
   a. A school shall approve faculty members to serve as supervisors and monitors for authorized noncurricular clubs.
   b. A supervisor and monitor shall provide oversight to ensure compliance with the approved club purposes, goals, and activities and with the provisions of this part and other applicable laws, rules, and policies.
   c. A monitor approved for a religious club may not participate in the activities of the religious club, except to perform the supervisory role required by this Policy.
   d. The approval of a faculty supervisor or monitor does not constitute school sponsorship of the club.
4. Without the prior approval by the school, a person who is not a school faculty member or a club member may not:
   a. make a presentation to a noncurricular club; or
   b. direct, conduct, control, or regularly attend the meetings of a noncurricular club.

   Utah Code § 53G-7-706 (2018)

Use of School Facilities by Clubs—

A school shall determine and assign school facilities use for curricular and noncurricular clubs consistent with the needs of the school.

1. The following rules apply to curricular clubs:
   a. in assigning school facilities use, the administrator may give priority to curricular clubs over noncurricular clubs; and
   b. the school may provide financial or other support to curricular clubs.
2. The following rules apply to noncurricular clubs:
   a. a preference or priority may not be given among noncurricular clubs;
   b. a school shall only provide the space for noncurricular club meetings;
   c. a school may not spend public funds for noncurricular clubs, except as required to implement the provisions of this Policy, including providing space and faculty oversight for noncurricular clubs;
   d. a school shall establish the noninstructional times during which noncurricular clubs may meet;
   e. a school may establish the places that noncurricular clubs may meet;

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f. a school may set the number of hours noncurricular clubs may use the school's facilities per month, provided that all noncurricular clubs shall be treated equally; and

g. a school shall determine what access noncurricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system, provided that all noncurricular clubs shall be treated equally.

Utah Code § 53G-7-707 (2019)

Club Membership—

A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.

1. Membership in curricular clubs is governed by the following rules:

   a. membership may be limited to students who are currently attending the sponsoring school or another District school; and members who attend a school other than the sponsoring school shall have, in addition to the consent required under Utah Code § 53G-7-709, specific parental permission for membership in a curricular club at another school;

   b. curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and try-outs may not require activities that violate the provisions of this Policy and other applicable laws, rules, and policies;

   c. other rules as determined by the State Board of Education, the District, or the school.

2. Membership in noncurricular clubs is governed by the following rules:

   a. student membership in a noncurricular club is voluntary;

   b. membership shall be limited to students who are currently attending the sponsoring school;

   c. noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and try-outs may not require activities that violate the provisions of this Policy and other applicable laws, rules, and policies; and

   d. other rules as determined by the State Board of Education, the District, or the school.

Utah Code § 53G-7-708 (2019)

Materials Presented at Noncurricular Club Meetings—

A copy of any written or other media materials that were presented at a noncurricular club meeting by a non-school person shall be delivered to a school

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administrator no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent shall have an opportunity to review those materials.

Utah Code § 53G-7-708 (2019)

Parental Consent—

A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.

1. The consent shall include an activity disclosure statement containing the following information:
   a. the specific name of the club;
   b. a statement of the club's purpose, goals, and activities;
   c. a statement of the club's categorization, which shall be obtained from the application for authorization of a club in accordance with the provisions of Utah Code §§ 53G-7-703 or 53G-7-704, indicating all of the following that may apply:
      i. athletic;
      ii. business/economic;
      iii. agriculture;
      iv. art/music/performance;
      v. science;
      vi. gaming
      vii. religious;
      viii. community service/social justice; and
      ix. other;
   d. beginning and ending dates;
   e. a tentative schedule of the club activities with dates, times, and places specified;
   f. personal costs associated with the club, if any;
   g. the name of the sponsor, supervisor, or monitor who is responsible for the club; and
   h. any additional information considered important for the students and parents to know.
2. All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school's principal or designee.

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Utah Code § 53G-7-709 (2019)

Violations – Investigations – School Responses—

1. A school shall investigate any written complaint that an authorized curricular or noncurricular club is:
   a. participating in activities beyond the scope of its purpose; or
   b. in violation of a provision of this part or another applicable law, rule, regulation, or policy.
2. After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the students involved, and the person making the written complaint, if a violation is substantiated, the school may do any of the following:
   a. allow the club's original statement of its purpose, goals, and activities to be modified to include the activities if they are in compliance with the provisions of this Policy and other applicable laws, rules, regulations, or policies;
   b. instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in the future;
   c. limit or suspend the club's authorization or school facilities use pending further corrective action as determined by the school; or
   d. terminate the club's authorization and dissolve the club.
3. Any limitation on expression, practice, or conduct of any student, advisor, or guest in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be by the least restrictive means necessary to satisfy the school's interests as identified in this Policy.
4. A club that has been terminated may not reapply for authorization until the following school year.
5. A student who makes a false allegation or report under this section shall be subject to school discipline.

Utah Code § 53G-7-710 (2018)

Appeals—

1. Each completed application or written complaint shall be approved, denied, or investigated by the school within a reasonable amount of time.
2. If an application or complaint is denied, written reasons for the denial or results of the investigation shall be stated and, if appropriate, suggested corrections shall be made to remedy the deficiency.

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3. Each club that is denied school facilities use shall be informed at the time of the denial of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial could be corrected.
4. If denied, suspended, or terminated, a club, student desirous of participating or speaking, or a complaining parent, has ten school days from the date of the denial, suspension, or termination to file a written appeal from the denial, suspension, or termination to the Board of Education or its designee.
5. The Board of Education or its designee shall issue a determination within a reasonable amount of time from receipt of the appeal, which decision is final and constitutes satisfaction of all administrative remedies unless the time for evaluation is extended by agreement of all parties.
6. A person directly affected by a decision made in accordance with the provisions of this part may appeal the decision by writing to the Board of Education or its designee.

Utah Code § 53G-7-711 (2019)

Construction of Policy with Respect to Certain Rights—

Nothing in this Policy is intended to:

1. Influence the form or content of any prayer or other religious activity;
2. Require any person, student, or employee to participate in any prayer or other religious activities;
3. Compel any school employee to attend a meeting of a noncurricular student group if the content of the speech at the meeting is contrary to the beliefs of the employee;
4. Sanction meetings that are otherwise unlawful; or
5. Abridge the constitutional rights of any person.

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Student Conduct
Demonstrations

Demonstrations—

Students shall be subject to the provisions of Board policy regarding disruptive behavior.

Any demonstration on school property during school hours must be authorized by the school's principal in writing.

Student demonstrations and similar activities shall be prohibited when there is evidence that may reasonably lead school authorities to forecast substantial disruption of, or material interference with, normal school operations or approved school activities.

The evidence must support a "reasonable forecast of substantial disruption" of school operations; "undifferentiated fear" or mere apprehension of disturbance is not sufficient to justify restrictions on students' otherwise legitimate right to freedom of expression.

Violations—

Students who participate in any prohibited activities described above are subject to disciplinary action, based on the severity of the violation and its overall effect on the welfare of other students.

Tinker v. Des Moines, 393 U.S. 503 (1969)
Barker v. Hardway, 394 U.S. 905 (1969)
Burnside v. Byars, 363 F.2d 744 (1966)

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Student Conduct Policy:
Electronic Devices

[Note that before an acceptable use policy is adopted or revised, a school board must provide reasonable public notice and must hold at least one public meeting or hearing regarding the policy. (Utah Admin. Rules R277-495-3(6) (April 8, 2019).) In addition, school boards are required to encourage schools to involve teachers, parents, students, school employees and community members in developing local school policies. (Utah Admin. Rules R277-495-3(3) (April 8, 2019).) Moreover, school community councils are to make recommendations regarding safe technology use and digital citizenship. (Utah Code § 53G-7-1202(3)(a)(ii)(D).) Therefore, this model policy may be used as a framework but should not be adopted without meeting the public notice and hearing requirements and the form of the adopted policy should reflect the input from the various groups identified.]

Purpose—

While in some instances the possession and use of electronic devices by a student at a school may be appropriate, often the possession and use of such devices or objects by students at school can have the effect of distracting, disrupting and intimidating others in the school setting and leading to opportunities for academic dishonesty and other disruptions of the educational process. The purpose of this policy is to vest in school administrators authority to enforce reasonable rules relating to such objects or devices in the public schools. Some electronic devices used by students may be owned by the District and provided to students for their use. This policy also addresses standards for student use of such District-owned devices.

Utah Admin. Rules R277-495-3 (April 8, 2019)

Definitions—

1. "Electronic device" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including:
   a. A smart phone;
   b. A smart or electronic watch;
   c. A tablet; or
   d. A virtual reality device.

   Utah Admin. Rules R277-495-2(2) (April 8, 2019)
   Utah Admin. Rules R277-495-4(1)(a) (April 8, 2019)
2. "District-owned electronic device" means

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an electronic device which is identified as being owned, provided, issued, or lent to a student by the District.

Utah Admin. Rules R277-495-2(6) (April 8, 2019)

3. "Guest" means an individual who is not a student, employee, or designated volunteer of the District who is on school property or at the site of a school-sponsored activity or event.

   Utah Admin. Rules R277-495-2(3) (April 8, 2019)

4. "Inappropriate matter" means pornographic or indecent material as defined in Utah Code § 76-10-1235(1)(a).

   Utah Admin. Rules R277-495-2(4) (April 8, 2019)

5. Individualized suspicion
   a. Information that an individual has violated a policy;
   b. This is generally required for a constitutional search (including a search of personal belongings);
   c. Exceptions are possible when the privacy interests implicated by a search are minimal and where other safeguards are available;
   d. This standard is not as exacting in the public school setting as in criminal law.
6. Instructional time
   a. Hours during the school day designated as such by the school or school district.
7. Lunch time
   a. Time period in either elementary or secondary schools designated for lunch;
   b. This may, in elementary schools, be combined with a noon time recess.
8. Medical reasons
   a. A student's illness, with or without a health care professional's documentation;
   b. A student's recurring illness or medical problem(s).
9. Parent
   a. The person(s) who has legal responsibility for the student's education.
10. Pass time
    a. The period designated in secondary schools between classes or to allow students to move between classrooms.
11. Reasonable suspicion

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a. Reasonable suspicion need not be based on a single factor, but can be based on the totality of the circumstances;
b. It can be based on the aggregate effect of all information available at the time of a search;
c. It does not require absolute certainty, but only "sufficient probability," the sort of common-sense conclusion about human behavior upon which practical people are entitled to rely.

12. Recess
    a. Time periods designated in elementary school for exercise or outside activity regardless of whether or not it is designated as instructional time by the school.
13. School or school events
    a. This includes the hours that make up school day, e.g. from 7:40 a.m. until 2:30 p.m., during students' individual courses or during the entire period of the elementary/intermediate school day
    b. This includes field trips
    c. This includes extended school-sponsored trips or activities
    d. This includes school-provided transportation to and from curricular activities and extracurricular activities, including athletic events

Use of District-Owned Electronic Devices—

District-owned electronic devices must be used in accordance with the specific rules and conditions related to the issuance of the device to the student, including rules on care and maintenance of the device, any restrictions on personal uses of the device, and rules relating to installation or use of software on the device. Students may not use any District-owned electronic device to access inappropriate matter, nor may students use any District-owned electronic device to hack (obtain unauthorized access or interfere in any way with) any network or any electronic device. Students may not use any District-owned electronic device in ways that bully, humiliate, harass, or intimidate school-related individuals, including students, employees, or guests. Regardless of location, use of District-owned electronic devices must comply with Policy EEB (regarding internet use), Policy FGAD (regarding bullying, cyberbullying, and hazing), and other student conduct policies.

Utah Admin. Rules R277-495-4(1)(b), (c), (f) (April 8, 2019)

District-owned electronic devices are the responsibility of the students to whom they are issued, both with respect to loss or damage of the device and with respect to misuse of the device. When the recipient student allows another to use a District-owned electronic device, the recipient student is jointly responsible for any misuse of the device.

Utah Admin. Rules R277-495-4(2)(d) (April 8, 2019)

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Students have no expectation of privacy regarding the contents or use of District-owned electronic devices. The devices shall have filtering software or other restrictions in place to prevent students from accessing inappropriate matter. However, the failure of such filtering software or mechanisms does not prevent a student from being disciplined for accessing inappropriate matter. Teachers or administrators may directly or remotely view, control, search, or otherwise access District-owned electronic devices at any time.

Utah Admin. Rules R277-495-4(1)(c) (April 8, 2019)

District-owned electronic devices remain the property of the District. Use of a District-owned electronic device in violation of any District policy may result in the device being confiscated from the student, which may result in missed assignments, inability to complete required assessments, and possible loss of credit or academic grade consequences, in addition to any other appropriate disciplinary sanctions.

Utah Admin. Rules R277-495-4(2)(b), (4)(c) (April 8, 2019)

Use of Student Electronic Devices—

Student electronic devices may be used during the school day, during school-sponsored activities or school-provided transportation as follows:

1. Students may have electronic devices in their possession during the regular school day.
2. The devices must remain out of sight during instructional time AND be turned off OR on a silent mode.
3. During the school day, if students intentionally use or respond to electronic devices during instructional time or during times of prohibited use identified by teachers, electronic devices may be confiscated.
4. Devices may be retrieved by individuals designated by the school. Students may also be subject to school discipline.
5. A school shall, by written policy, establish a warning schedule for student violations which all school employees shall follow. Exceptions may be made for individual students or for specific time periods as warranted. Time periods shall be interpreted with flexibility.
6. Student electronic devices must be either turned off or held in a secure place by the teacher, as determined by individual teacher, during class quizzes, tests and standardized assessments unless specifically allowed by statute, regulation, student IEP, or assessment directions.
7. Student electronic devices inappropriately used or disclosed may be subject to search by school administrators based on reasonable suspicion.

Utah Admin. Rules R277-495-4(2)(a), (b), (4)(c) (April 7, 2019)

[Policy may allow for differences based on grade levels or age of students.]

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Exceptions to the above use limitations regarding student electronic devices shall be made consistent with District and school policies, but in the judgment and discretion of individual teachers. Specific potential exceptions are as following:

1. Medical reasons
    a. School administrators may give permission for students to possess electronic devices for good cause shown if the devices do not distract from the instructional or education process.
2. Parent request
    a. Parent(s) may request that a student possess an electronic device on active mode at all times during the school day, with the exception of during course or subject tests and standardized assessments. Teachers shall grant such requests for good cause shown. (Good cause may include medical needs or unusual family situations.)
        i. Parents shall make requests for exceptions to the school district/ school policy to the school principal, designee or individual teacher. Schools shall have forms available at the main office and in the counseling center for parent/student requests.
3. Teacher permission
    a. A teacher may permit a student to have an electronic device in his possession at all times during a regular school day, including during assessments, based on a written § 504 plan, an IEP or legitimate circumstances as determined by the individual teacher.
4. Emergency
    a. Students may use electronic devices in situations that threaten the health, safety or well-being of students (including themselves), school employees or others.

    Utah Admin. Rules R277-495-4(4)(d) (April 8, 2019)

Students may not use any electronic device to access inappropriate matter while on school property or while using District connectivity. Students may not use any electronic device to hack (obtain unauthorized access or interfere in any way with) any school network or any District electronic device or electronic device of a person associated with the school. Students may not use any electronic device in ways that bully, humiliate, harass, or intimidate school-related individuals, including students, employees, or guests. Use of student electronic devices at school must comply with Policy EEB (regarding internet use). Regardless of location, use of student electronic devices must comply with Policy FGAD (regarding bullying, cyberbullying, and hazing), and other student conduct policies. Misuse of student electronic devices in a manner that causes disruption at school or school-sponsored activities may result in discipline under the school disciplinary policies (including where warranted

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suspension or expulsion) and may result in notification to law enforcement authorities.

Utah Admin. Rules R277-495-4(1)(c), (2)(b), (f) (April 8, 2019)

Use of a student electronic device in violation of this or other District policies may result in confiscation of the device as provided herein and in such other disciplinary sanctions as provided for under this or other student conduct policies. In addition, where such use is in violation or believed to be in violation of an applicable law, regulation, or ordinance, school administrators or teachers may notify law enforcement or other appropriate authorities and the student may be subject to criminal or other penalties provided by law.

Utah Admin. Rules R277-495-4(2)(c), (e) (April 8, 2019)

Consequences for Violation of Policy—

Students will receive one warning prior to discipline for violation of this policy, as determined by the school.

Designated individuals, upon identification, may retrieve their student's electronic device during school hours or by appointment.

A school may impose other consequences for a student's violation of the electronic device policy only following notice of such policy to the school community. Such penalties are not exhaustive and more than one penalty may be imposed, if warranted. Such penalties may include:

1. loss of electronic device privileges
2. disciplinary letter
3. in-school suspension
4. suspension
5. loss of extracurricular or honor privileges or recognition

If students are defiant and will not cooperate with school administrators and/or will not surrender electronic device(s), the designated school administrator may take appropriate action for the safety and well-being of the student and other students or employees at the school. The school principal or designee shall notify a parent immediately of additional penalties.

Utah Admin. Rules R277-495-4(2)(b), (c), (4)(c) (April 8, 2019)

Reporting misuse of electronic devices—

Students should report any misuse of electronic devices by an employee to the principal or other appropriate administrator. Students should report misuse of electronic devices by other students to a teacher or an administrator. Misuse of electronic devices by guests should be reported to the principal or other appropriate administrator.

Utah Admin. Rules R277-495-4(4)(b) (April 8, 2019)

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Training—

Each school shall, within the first 45 days of each school year, provide school-wide or in-classroom training to students that covers:

1. The District's internet and electronic device policies (Policies FGAB and EEB);
2. The importance of digital citizenship;
3. The District and school's student conduct and discipline policies;
4. The benefits of connecting to the internet and using the school's internet filters while on school premises; and
5. The discipline related consequences of violating internet and electronic device policies.

Utah Admin. Rules R277-495-5 (April 8, 2019)

Notice to Students and Parents of Policy—

A copy of this policy shall be made available in printed form at the District offices and a copy of this policy or a clear electronic link to this policy shall be made available on the District's web site. Individual school policies shall be made available in printed form at the school offices and a copy of those policies or a clear electronic link to those policies shall be made available on the school's web site. Parents and students shall receive annual written notice of District and school electronic device policies, which may be satisfied by the website posting, publishing the policy in a school handbook or directory, sending the policy to the student's home or any other reasonable means.

Utah Admin. Rules R277-495-3(4), (5) (April 8, 2019)

Parents and students shall receive notice of changes in District or school electronic device policies in a timely manner and through reasonable means.

A copy of the most current policy shall always be available in the main office of the school and shall be posted online on the school website, if a school has a website.

Schools may require that parents return a copy of the policy with signature indicating that parents have had access to the policy.

Information to parents should include exceptions to the policy and potential consequences for students. Information to parents shall provide clear information of how best to contact students during school hours or activities, in lieu of immediate contact by electronic device.

Students and parents shall be notified that law enforcement may be contacted, at school's discretion, if circumstances warrant such contact.

Confiscated Student Electronic Devices—

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Only licensed school personnel (unless other employees are specifically identified in policy) may confiscate student electronic devices. Licensed school employees are discouraged from searching or reviewing material or numbers stored on student electronic devices except with reasonable suspicion that would warrant a search. Licensed school employees may search an electronic device based on their reasonable suspicion that the student has violated this policy or another District policy. To the extent justified by the nature of the violation for which the reasonable suspicion exists, the search may include text messages, photo files, and calls (recent, missed, or dialed).

Schools will do their best to guard and protect confiscated student electronic devices, but are not responsible for loss, damage, theft.

Schools will make a good faith effort to notify parent(s) or designated individuals that a student's electronic device is in the school's possession and, time and resources permitting, will maintain possession of such devices until the end of the school year, at which time the school may dispose of the device. Prior to disposal of devices, schools shall attempt to clear all personal data.

Creative and Innovative Uses for All Electronic Devices—

With prior approval of the Principal, individual teachers and school employees may use electronic devices to communicate effectively with students and parents and to enhance instruction. Such uses might include:

1. notifying absent students of assignments;
2. communicating with parents when students excel or if students fall behind or are absent;
3. parents notifying school when students are absent or tardy;
4. teachers notifying students of news articles or events that would enhance discussion or student research;
5. providing immediate feedback to students on written work or assignments.

Other Provisions—

Picture taking or video or audio recording by students is strictly forbidden in school or school activity private areas, such as locker rooms, counseling sessions, washrooms, and dressing areas. Students are further prohibited from using electronic devices to transmit any such recordings. Students are prohibited from using electronic devices in any way which would cause invasions of the reasonable privacy expectations of students or school staff or guest.

Utah Admin. Rules R277-495-4(4)(a) (April 8, 2019)

Students bring their electronic devices on school property or to school activities at their own risk. The school is not responsible for lost, stolen or damaged student electronic devices.

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Students are strictly responsible for their own electronic devices. If devices are borrowed or taken and misused by non-owners, device owners are jointly responsible for the misuse of the device and policy violation(s) committed with the device.

Students and parents should be informed and understand that confiscated electronic devices may be subject to search by school officials.

A student's penalties for violation(s) of an electronic device policy provision may vary depending upon the intentional nature of the violation, other disciplinary actions the student may have received and specific circumstances of the violation.

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Bus Conduct

Conduct which provides grounds for suspension from bus riding privileges includes:

1. Student conduct that occurs on the bus which may warrant or requires suspension or expulsion under the Safe School policy, FHA.
2. Willful injury or threat of injury to a bus driver or another rider.
3. Willful and/or repeated defacement of the bus.
4. Use of profanity after a warning.
5. Repeated willful disobedience to a bus driver or other supervisor's directives.
6. Such other behavior as the school administration deems to threaten the safe operation of the bus and its occupants.

Use of Video Surveillance on School Buses—

Video cameras may be used on school buses when deemed advisable to monitor conduct and/or to maintain a safe environment for students and employees.

Security of Video Surveillance—

The content of the video tapes constitutes student records that are confidential and protected. Only those having a legitimate educational or administrative purpose shall be able to review such information. If a tape becomes the subject of a disciplinary proceeding, it shall be treated like all other evidence in the hearing as confidential and protected.

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Student Rights and Responsibilities
Bullying, Cyber-bullying, Hazing, and Abusive Conduct

Note--

Utah Code § 53G-9-605 requires that this policy be developed with input from students, parents, teachers, school administrators, school staff, or law enforcement agencies. Therefore, seek input from one or more of these groups prior to adopting this policy. There is a corresponding policy applicable to employee conduct, Policy DLA, and the policies should be considered together as part of the District's bullying and hazing policy. The statutory deadline for updating the policy, including revision to include "abusive conduct," is September 1, 2018.

Definitions—

1. "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.
2. "Bullying" means intentionally committing a written, physical, or verbal act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have one of the following effects:
   a. causing physical or emotional harm to the school employee or student;
   b. causing damage to the school employee or student's property;
   c. placing the school employee or student in reasonable fear of:
      i. harm to the school employee's or student's physical or emotional well-being; or
      ii. damage to the school employee's or student's property.
   d. creating a hostile, threatening, humiliating, or abusive educational environment due to:
      i. the pervasiveness, persistence, or severity of the actions; or
      ii. a power differential between the bully and the target; or
   e. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

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

3. “Communication” means the conveyance of a message, whether verbal, written, or electronic.
4. “Cyber-bullying” means:
   a. 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.
   b. In addition, any communication of this form that is generated off-campus but causes or threatens to cause a material and substantial disruption at school or interference with the rights of students to be secure may also be considered cyber-bullying.
5. “Hazing” means a student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:
   a. meets one of the following:
      i. endangers the mental or physical health or safety of a school employee or student; or
      ii. 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;
      iii. 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
      iv. 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 either
   b. 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
   c. is directed toward a school employee or student whom the student 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 student also participates.

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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.

Utah Admin. Rules R277-613-2 (May 24, 2022)
Utah Code § 76-5-107.5 (2022)
Utah Code § 53G-9-601(1) to (5) (2019)

6. "Incident" means one or more infractions committed by a student or a group of students acting in concert, at the same time and place.

   Utah Admin. Rules R277-613-2 (May 24, 2022)

7. "Infraction" means an act of prohibited behavior.

   Utah Admin. Rules R277-613-2 (May 24, 2022)

8. "Retaliate" means an act or communication intended:

   a. as retribution against a person for reporting bullying, cyberbullying, abusive conduct, or hazing; or

   b. to improperly influence the investigation of, or the response to, a report of bullying, cyberbullying, abusive conduct, or hazing.

   Utah Code § 53G-9-601(8) (2019)

9. "School employee" means:

   a. school administrators, teachers, and staff members, as well as others employed or authorized as volunteers, directly or indirectly, by the school, school board, or school district and who works on a school campus.

   Utah Code § 53G-9-601(10) (2019)

10. "Volunteer" means a non-employee with significant, unsupervised access to students in connection with a school assignment.

    Utah Admin. Rules R277-613-2 (May 24, 2022)

Bullying and Abusive Conduct Prohibited—

No student may engage in bullying of a student or school employee on school property, at a school related or sponsored event, on a school bus, at a school bus stop, or while the student is traveling to or from a school location or school related or sponsored event. No student may engage in abusive conduct.

Students who engage in bullying or abusive conduct are in violation of this policy and verified infractions shall result in disciplinary action up to and including expulsion, consistent with the District's Safe Schools policy (FHA).

Anonymous reports of bullying or abusive conduct alone cannot constitute the basis for formal disciplinary action.

The school or District may also report infractions to law enforcement if that is permitted by Utah Code § 53G-8-211.

Utah Code § 53G-9-605 (2019)

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Utah Admin. Rules R277-613-4(1)(a) (May 24, 2022)
Utah Admin. Rules R277-613-7 (May 24, 2022)

Hazing and Cyber-bullying Prohibited—

No student may engage in hazing or cyber-bullying of a student or employee at any time or at any location.

Students who engage in hazing or cyber-bullying are in violation of this policy and verified infractions shall result in disciplinary action up to and including expulsion, as well as suspension or removal from a school-sponsored team or activity, including school sponsored transportation, consistent with the District's Safe Schools policy (FHA).

The school may also determine to break up or dissolve a team, organization, or other school-sponsored group for hazing violations by its members.

Anonymous reports of hazing or cyber-bullying alone cannot constitute the basis for formal disciplinary action.

The school or District may also report infractions to law enforcement if that is permitted by Utah Code § 53G-8-211.

Utah Code § 53G-9-605 (2019)
Utah Admin. Rules R277-613-4(1)(a) (May 24, 2022)

Retaliation Prohibited—

No student may engage in retaliation against a school employee, a student, or an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation against a school employee or student, or an alleged incident of abusive conduct.

Students who engage in such retaliation are in violation of this policy and for verified infractions are subject to disciplinary action up to and including expulsion, consistent with the District's Safe Schools policy (FHA).

Anonymous reports of retaliation alone cannot constitute the basis for formal disciplinary action.

The school shall inform students who have reported being subject to bullying, cyber-bullying, or hazing and these students' parents that retaliation is prohibited and shall encourage the students and parents to be aware of and to report any subsequent problems or new incidents.

Utah Code § 53G-9-605 (2019)
Utah Admin. Rules R277-613-4(1)(a), (5) (May 24, 2022)

Making a False Report Prohibited—

No student may make a false allegation of bullying, abusive conduct, cyber-bullying, hazing, or retaliation against a school employee or student.

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Students who engage in making such false allegations are in violation of this policy and for verified infractions are subject to disciplinary action up to and including expulsion, consistent with the District's Safe Schools policy (FHA).

Utah Code § 53G-9-605(3)(d) (2019)
Utah Admin. Rules R277-613-4(1)(a) (May 24, 2022)

Action Plan—

Upon receipt of a reported incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, the school principal or designee shall promptly review and investigate the allegations. This investigation shall include interviewing the alleged targeted individual, the individual alleged to have engaged in prohibited conduct, the parents of the alleged target and alleged perpetrator, any witnesses to the conduct, school staff familiar with the alleged victim, and school staff familiar with the alleged perpetrator. The principal or designee may also review physical evidence, including but not limited to video or audio recordings, notes, email, text messages, social media, and graffiti. The principal or designee shall inform any person being interviewed that the principal or designee is required to keep the details of the interview confidential to the extent allowed by law and that further reports of bullying will become part of the investigation.

Utah Admin. Rules R277-613-5(2), (3), (4) (May 24, 2022)

When the available information indicates that an infraction may also constitute a civil rights violation, the principal or designee shall also investigate that possible violation and take such disciplinary or other action as may be warranted.

Utah Admin. Rules R277-613-5(6) (May 24, 2022)

When it is determined that a student has been bullied, cyber-bullied, or hazed, this plan of action should include consideration of what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.

Utah Code § 53G-9-605(3)(g) (2019)

The plan of action may include supporting involved students through trauma-informed care practices, if appropriate, as defined in Utah Admin. Rules R277-613-2(15).

Utah Admin. Rules R277-613-5(7) (May 24, 2022)

The plan of action may also include positive restorative justice practice action, if permitted. Restorative justice practice is a discipline practice that brings together students, school personnel, school families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and promote healing. An alleged targeted student is *not* required to participate in a restorative justice practice with an alleged perpetrator. If the principal or designee desires to have a student participate, the principal or designee shall first inform that student's parent about the restorative justice practice and obtain the parent's consent prior to such participation.

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Utah Admin. Rules R277-613-2(12) (May 24, 2022)
Utah Admin. Rules R277-613-5(7) (May 24, 2022)

If any retaliation occurs, the principal or designee shall take strong responsive action against it, including but not limited to providing assistance to any targeted individual and his or her parent in reporting subsequent problems and new incidents.

Utah Admin. Rules R277-613-4(5) (May 24, 2022)

The principal or designee shall follow up with parents of all students involved (victim or perpetrator), informing parents when an investigation is concluded, what safety measures will be in place for their child as determined by the investigation, of additional information about the investigation to the extent consistent with the Family Educational Rights and Privacy Act of 1974 ("FERPA"), and of any available appeal options if a parent disagrees with the resolution of the investigation.

Utah Admin. Rules R277-613-5(10) (May 24, 2022)

Training and Education—

Each school shall establish procedures for training school employees, coaches, volunteers and students on bullying, cyber-bullying, hazing, retaliation, or abusive conduct. The principal or designee shall be the point person to assist, direct, and supervise training on these matters.

Training to students, staff, and volunteers shall:

1. Include information on:
   a. Bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
   b. Discrimination under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990;
   c. How bullying, cyber-bullying, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination,
   d. How bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based on the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes, or conformance or failure to conform with stereotypes, and
   e. The right of free speech and how it differs for students, employees, and parents;
2. Complement the suicide prevention program required for students and the suicide prevention training required for licensed educators; and
3. Include information on when issues relating to these standards may lead to employee or student discipline.

Utah Admin. Rules R277-613-4(6) (May 24, 2022)

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Utah Admin. Rules R277-613-5(1)(c) (May 24, 2022)
Utah Admin. Rules R277-605-6(4) (July 22, 2022)

This training shall be provided to all new employees, coaches, and volunteers within the first year of service and shall be provided to all employees, coaches, and volunteers at least once every three years after the initial training.

Utah Admin. Rules R277-613-4(7) (May 24, 2022)
Utah Admin. Rules R277-605-6(4) (July 22, 2022)

In addition to training school employees and educating students mentioned above, all volunteer coaches, employees, and students involved in any curricular athletic program or any extra-curricular club or activity shall:

1. Complete bullying, cyber-bullying, harassment, hazing, and abusive conduct prevention training prior to participation;
2. Repeat bullying, cyber-bullying, harassment and hazing prevention training at least every three years;
3. Be informed annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

The content of this activity training shall be developed in collaboration with the Utah High School Activities Association (UHSAA) and the training shall also be provided in collaboration with UHSAA. The school shall obtain and keep signature lists of the participants in the activity training.

Utah Admin. Rules R277-613-6 (May 24, 2022)
Utah Admin. Rules R277-605-6(4) (July 22, 2022)

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying, harassment, hazing, or cyber-bullying.

Utah Code § 53G-9-605 (2019)

The District may also offer voluntary training to parents and students regarding abusive conduct.

Utah Code § 53G-9-607(1)(b) (2020)

The principal or designee responsible for reviewing and investigating allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct shall receive training on conducting a review and investigation as provided for in this policy.

Utah Admin. Rules R277-613-5(1)(b) (May 24, 2022)

Assessment—

Subject to the requirements of Utah Code § 53E-9-203 regarding parental consent for certain types of inquiries of students, each school shall regularly (and at least once per year) conduct assessment through student input (surveys, reports, or other methods) of the prevalence of bullying, cyber-bullying, and hazing in the

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school, and specifically in locations where students may be unsafe and adult supervision may be required such as playgrounds, hallways, and lunch areas.

Utah Admin. Rules R277-613-4(4) (May 24, 2022)
Utah Code § 53E-9-203 (2022)

Publication and Acknowledgment—

A copy of this policy shall be included in student conduct handbooks, employee handbooks, shall be provided to the parent of each student enrolled in the District, and shall be available on the District website.

Each student 8 years of age and older and a parent of each student enrolled in the District shall annually provide a signed statement stating that the student and parent has received a copy of this policy; however, such a statement is not a substitute for having met the training requirements of this policy.

Utah Code § 53G-9-605(3)(h), (4) (2019)
Utah Admin. Rules R277-613-4(1)(d), (2) (May 24, 2022)

Parental Notification of Incidents—

The school shall notify the parent of a student who is involved in an incident of bullying, hazing, cyber-bullying, abusive conduct, or retaliation (whether as a target or as a perpetrator).

The school is also required to notify the parent of a student who threatens to commit suicide. (*See* Policy FDACE.) In addition, the school shall produce and maintain a record that verifies that the parent was notified of the threats or incidents listed above. The record is a private record for purposes of the Government Records Access and Management Act.

The process for notifying a parent shall consist of:

1. The school principal or designee shall attempt to make personal contact with a parent when the school has notice of a threat or incident listed above. It is recommended that the parent be informed of the threat or incident with two school people present. If personal contact is not possible, the parent may be contacted by phone. A second school person should witness the phone call.
2. Contact with the parent must be documented in a "Verification of Parent Contact Regarding Threat or Incident."

(A copy of the “Verification of Parent Contact Regarding Threat or Incident” is attached below.) Subject to laws regarding confidentiality of student educational records, at the request of a parent, a school may provide information and make recommendations related to an incident or threat.

Utah Code § 53G-9-604 (2019)
Utah Admin. Rules R277-613-4(3) (May 24, 2022)

The record of parental notification shall be maintained in accordance with Policy FE, Policy FEA, Title 53E, Chapter 9, Part 3, Student Data Protection, Title 53E, Chapter 9, Part 2, Student Privacy, and the Federal Family Educational Rights

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and Privacy Act ("FERPA"). A copy of the record of parental notification shall upon request be provided to the student to whom the record relates. After the student has graduated, the District shall expunge the record of parental notification upon request of the student.

Utah Code § 53G-9-604(2)(b) (2019)

Report to State Superintendent—

Each year, on or before June 30, the District shall submit a report to the State Superintendent which includes (1) a copy of the District's bullying policy; (2) confirmation of compliance with the requirement to obtain a signed acknowledgment of the policy from students, parents, and employees; (3) verification of required training regarding bullying, cyber-bullying, hazing, retaliation, and abusive conduct; (4) the number of verified and alleged incidents of bullying, cyber-bullying, hazing, and retaliation; and (5) the number and type of those incidents that either included a student or employee who is part of a federally protected class or was bullied, cyber-bullied, hazed, or retaliated against because of the student's or employee's actual or perceived disability, race, national origin, religion, sex, gender identity, sexual orientation, or other characteristic.

Utah Admin. Rules R277-613-5(11) (May 24, 2022)

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VERIFICATION OF PARENT OR GUARDIAN CONTACT REGARDING THREAT OR INCIDENT

I, [Name] , principal or principal's designee, contacted [Name of parent or guardian] on [Date] and notified him or her that [Name of student] has made suicidal threats or was involved in an incident of bullying, hazing, cyber-bullying, abusive conduct, or retaliation. Contact was made:

[__] in person

[__] by telephone (number used: _____)

[__] by email (email address used: _____)

[__] by other method (specify): _____

Notice was given of:

[__] suicide threat

[__] bullying incident

[__] cyber-bullying incident

[__] abusive conduct incident

[__] hazing incident

[__] retaliation incident

[Name of school staff member]_____ , witnessed the contact.

_____	_____	_____
Principal or Principal's Designee	Title	Date

_____	_____	_____
School Staff Member	Title	Date

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Student Rights and Responsibilities
Married Students

Married Students—

Married students shall have the same rights and responsibilities as unmarried students. This includes the right to participate in any extracurricular activities on the same basis, and subject to the same requirements, as unmarried students.

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Student Rights and Responsibilities
Pregnant Students

Pregnant Students—

The District shall provide for maintaining the educational program of pregnant students. Students who, for an appropriate period of time, desire to continue their education in an alternative setting rather than continuing in the regular education program may be provided services through the special education program. The District may also provide alternative settings or other services to pregnant students using other than special education funds.

The decision whether to continue in the regular school program or in an alternative setting shall rest with the student.

34 CFR § 106.40

In the absence of leave policies for students with temporary disabilities, pregnancy and related conditions shall be treated as justification for a leave of absence for a period of time deemed medically necessary by the student's physician. Students shall be reinstated to the status they held when the leave began.

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Student Rights and Responsibilities
Interrogations and Searches

*[Note that Utah Admin. Rules R277-615-4(2) requires that schools develop a policy for searching students for controlled substances, weapons, and electronic cigarettes and requires the school to include parents, school employees, and licensed school employees in that process. This policy is meant to provide a general framework for that process. The State Board of Education has developed a model search and seizure policy which should also be consulted in developing a school or District policy (see the policy **here**).]*

Search and Seizure—

Students shall be free from unreasonable search and seizure by school officials. School officials may search a student or a student's property with reasonable suspicion or with the student's consent. A search must be reasonable both in the reason for the search and the scope of the search.

New Jersey v. T.L.O., 469 U.S. 325 (1985)
Jones v. Latexo, 499 F. Supp. 223 (ED. Tex. 1980)
Bellnier v. Lund, 438 F. Supp. 47 (N.D.N.Y 1977)

Reasonable Suspicion—

"Reasonable suspicion" is a particularized and objective basis, supported by specific articulable facts, for suspecting a person of violating law or policy.

Searches of Places—

Students have a limited expectation of privacy of areas such as lockers, which are owned and jointly controlled by the school. While students may lock or otherwise secure lockers from access by other students, this does not give the student an expectation of privacy with regard to school access, nor may a student lock or secure a locker with means that are not approved by the school. These areas may be searched on a school-wide or individual basis when the school determines there is cause to conduct such a search. In addition, the school district has a reasonable and valid interest in insuring that the lockers are properly maintained. For this reason, periodic inspection of lockers is permissible to check for cleanliness and vandalism. Any illegal items or contraband discovered during such searches (including electronic cigarette products) shall be confiscated by school officials and may be turned over to law enforcement officials. Student privacy regarding contents of the locker which are not contraband or in violation of law or policy will be respected.

Zamora . Pomeroy, 639 F. 662 (10th Cir. 1981)
Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995)

Searches of Students—

Searches of students' outer clothing and pockets may be conducted if reasonable cause exists.

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Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995)
Doe v. Renfrow, 475 F. Supp. 1012 (N.D. Ind. 1979)

Highly intrusive invasions of a student's privacy, such as searches of the student's person or strip searches, shall be conducted only if individualized reasonable cause exists to believe that there is a legitimate safety concern due to a student's possession of weapons. These searches must be designed to be minimally intrusive, taking into account the item for which the search is conducted. Strip searches are seldom warranted and shall not be conducted without prior consultation with District administration and if possible legal counsel.

Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995)
Doe v. Renfrow, 631 F.2d 91 (7th Cir. 1980)
Konop v. Northwestern School Dist., 26 F. Supp. 2d 1189 (D. S.D. 1998)

Electronic Cigarette Products—

Based on reasonable suspicion, a student may be searched for electronic cigarette products (as those are defined under Policy FHAG). Electronic cigarette products are contraband and shall be confiscated and disposed of as provided for in Policy FHAG.

Utah Code § 53G-8-203(3) (2020)
Utah Code § 53G-8-508(2) (2020)
Utah Admin. Rules R277-615-4(1) (August 12, 2020)

Police Involvement—

Where school officials initiate a search and police involvement is minimal, the reasonableness standard is applicable. The ordinary warrant requirement and probable cause standard will apply where "outside" police officers initiate, or are predominantly involved in, a school search of a student or student property for police investigative purposes.

Myers v. State, *839 N.E.2d 1154 (Ind. 2005)*
F.S.E. v. State, 993 P.2d 771 (Ok. Crim. App. 1999)
In Re Josue T., 989 P.2d 431 (N.M. Ct. App. 1999)

Student Consent—

If the District does not have reasonable cause to search a student or his property, the District may search with the student's free and voluntary consent. However, coercion, whether express or implied, invalidates the apparent consent.

Jones v. Latexo, 499 F. Supp. 223 (E.D. Tex. 1980)

Distribution of Policy—

A copy of this policy in electronic and printed form shall be made available to parents and students upon enrollment.

Utah Admin. Rules R277-615-4(4) (August 12, 2020)

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Student Rights and Responsibilities
Student Complaints

Purpose—

The purpose of this policy is to secure at the first possible level prompt and equitable resolution of student complaints, including those alleging discrimination on the basis of race, religion, color, sex, national origin, disability, sexual orientation, or gender identity.

Exclusions—

Student complaints regarding instructional materials, removal to alternative education programs, expulsion, prior review of non-school materials intended for distribution to students, or special education appeals are covered by separate procedures. Student complaints relating to sexual harassment (which is one form of sex discrimination) are addressed using the procedure in Policy FHAB instead of the procedure in this policy. (Student complaints about other forms of sex discrimination can be raised under this policy.)

Aggrieved Students—

A student aggrieved by a violation of a constitutional, statutory, or common law right, or a violation of a rule adopted by the State Board of Education or a policy adopted by the Board shall be afforded a hearing in accordance with applicable law and as provided in this policy. However, this provision shall not be construed to create an independent right to a hearing before the Board in addition to hearings required by law.

Presentations and Hearings—

In most circumstances, students shall be entitled to administrative conferences and informal presentations of the complaint as outlined in this policy.

Representation—

The student may be represented by an adult at any level of the complaint.

If the complaint involves a problem with a teacher, the student shall in most circumstances be expected to discuss the matter with the teacher before requesting a conference with the Principal at Level One.

Level One—

A student who has a complaint shall request a conference with the Principal within ten calendar days of the time the student knew, or should have known, of the event or series of events causing the complaint. The Principal shall schedule and hold a conference with the student within five days.

Level Two—

If the outcome of the conference with the Principal is not to the student's satisfaction, the student has ten calendar days to request a conference with the

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Superintendent or designee who shall schedule and hold a conference. Prior to or at the conference, the student shall submit a written complaint that includes a statement of the complaint and any evidence in its support, the solution sought, the student's signature, and the date of the conference with the Principal.

Level Three—

If the outcome of the conference with the Superintendent or designee is not to the student's satisfaction, the student may present the complaint to the Board at the next regular meeting. The student shall, at least 5 days before the meeting, provide a written statement identifying specifically the claimed violation and the relief requested.

The Board shall designate a portion of its regular monthly meeting to hear student complaints. The Board President may set reasonable time limits on complaint presentation. The Board shall listen to the complaint but is not required to respond or take action on the matter unless it determines that is appropriate. The Board

Closed Hearing—

If the complaint involves complaints or charges about another person, the complaint shall be heard by the Board in a closed meeting unless the other person complained about requests the meeting to be public.

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Student Discipline

[Note: Utah Admin. Rules R277-609-4 requires local educational agencies such as school districts to develop a comprehensive plan or policy for student and classroom management and school discipline, and to include administration, instructional and support staff, students, parents, community councils, and other community members in policy development and intervention. The model student discipline policies provide a framework but are not able to address all elements required by the State Board regulation. Individual Districts should consider the regulation in tailoring the model policies to implement the particular approaches identified in the collaboration with the above-listed groups.]

General authority—

If a particular type of conduct has the effect of disrupting the learning atmosphere, it should be subject to regulation. The Board possesses discretion in promulgating regulations for the proper conduct of students.

Utah Code § 53E-3-501(1)(b)(v) (2021)
Utah Admin. Rules R277-609-1 (August 25, 2021)

Comprehensive conduct and discipline plan—

The District shall, with input from administration, instructional and support staff, students, parents, community councils, and other community members, develop a comprehensive plan for student and classroom management, school discipline, and restorative practices. This plan shall meet the content requirements set forth in Utah Admin. Rules R277-609-4(3).

Utah Admin. Rules R277-609-4 (August 25, 2021)

Relation of school discipline rules to other policies—

Rules and procedures shall prohibit corporal punishment and shall restrict the use of reasonable and necessary physical restraint as set forth in these policies and pursuant to Utah Code § 53G-8-302 and Utah Administrative Rules R277-609. Policies shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law, including Utah Code § 53G-8-204 et seq. Moreover, all rules and procedures shall be consistent with all other policies of the Board, and all state statutes and federal laws governing school discipline, including Utah Code § 53G-8-203, Utah Code § 53G-8-204 and Section 504 of the Rehabilitation Act of 1974 (29 U.S.C. § 794).

Utah Code § 53G-8-203 (2020)

Revising discipline rules—

In adopting or revising the District's rules and regulations, the school board shall solicit input from various interest groups at the school and in the community, including district employees, parents of students, and students.

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Utah Code § 53G-8-202(2)(a) (2019)

Emergency Removals—

Students may be removed from regular classes or District premises for non-disciplinary health, safety, and welfare reasons when the Board or its designee determines that an emergency exists.

Any student removed from school for any "emergency" reason who is in a condition that threatens his or her own welfare or the welfare of others shall be released to the student's parent or guardian, the parent's or guardian's representative, or other proper authority, including, but not limited to, law enforcement officers and medical personnel.

The District shall make reasonable efforts to notify the parent or guardian prior to removing a student from school premises for emergency reasons. If the parent cannot be notified prior to the removal, the parent shall be notified as soon as possible after the removal and the reasons for it.

Students with Disabilities—

Federal and state laws impose particular requirements regarding discipline of students identified as having a disability or when the school has sufficient notice of a disability. Discipline of such students must comport with the requirements set forth in Policy FHAD for students with disabilities.

Teacher's Authority—

A teacher may send a student to the Principal's office in order to maintain effective discipline in the classroom. The Principal shall respond by employing appropriate discipline management techniques.

A teacher may remove from class a student who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class. Not later than the third class day after the day on which the student is removed from the class, the Principal shall schedule a hearing to be attended by the Principal or the Principal's designee, a parent or guardian of the student, the teacher, and the student.

Following the hearing, whether or not all requested parties are in attendance after valid attempts to require their attendance, the Principal shall take one or more of the following actions:

1. Suspend the student for a period not to exceed six school days.
2. Place the student in an alternative education program.
3. Place the student back in the class.

If the student is removed by the teacher a second time within the same semester, the student may be returned to that class only by action of the

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Superintendent at the Principal's request. If the student is removed by the teacher a third or subsequent time within the same semester, the student may be returned to that class only by action of the Board at the request of the Superintendent.

Corporal Punishment—

A school employee may not inflict or cause the infliction of corporal punishment upon a student.

Utah Admin. Rules R277-608 (September 21, 2017)
Utah Code § 53G-8-302(1) (2019)

The term "corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.

Utah Code § 53G-8-301(1) (2018)

Appropriate Conduct—

A school employee may use of reasonable and necessary physical restraint in self-defense or when otherwise appropriate to the circumstances to:

1. obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
2. protect the student or another individual from physical injury; or
3. remove from a situation a student who is violent; or
4. protect property from being damaged, when physical safety is at risk.

A school employee may also use less intrusive means, such as a physical escort, to address these types of circumstances. (A "physical escort" is temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.)

Policy FHAF sets forth specific provisions governing the use of physical restraint with students.

Utah Code § 53G-8-301(2) (2018)
Utah Code § 53G-8-302 (2019)
Utah Admin. Rules R277-609-4(3)(l) (August 25, 2021)

An employee of the District may not be subjected to any sanction for failure or refusal to commit an act prohibited by this policy.

Utah Code § 53G-8-302(4) (2019)

Policy FDD regarding Child Abuse Reporting and Investigation shall apply to complaints made to the District regarding improper or unauthorized use of corporal punishment.

Utah Code § 53G-8-303 (2022)

Limitation—

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This policy does not restrict the use of physical contact which is considered to be reasonable discipline for purposes of behavior reduction intervention and which is also in compliance with state regulations and District policies adopted pursuant to Utah Code § 53E-7-204 regarding provision of education for students with disabilities.

Utah Code § 53E-7-204 (2022)

Disciplinary Record—

Disciplinary records shall be made available to parents/legal guardians or the student, whichever is appropriate, pursuant to the District's student records policy.

Collection and Reporting of Incident Data—

School personnel shall collect data with regard to incidents which occur on school grounds while school is in session or during a school-sponsored activity and which involve (1) suspension or expulsion of a student, or (2) arrest of a minor or (3) “other law enforcement activities” (defined below).

For this reporting requirement, “other law enforcement activities” means a significant law enforcement interaction with a minor that does not result in an arrest, including (1) a search and seizure by an SRO, (2) issuance of a criminal citation, (3) issuance of a ticket or summons, (4) filing a delinquency petition, or (5) referral to a probation officer.

The report of the incident shall also include information on the student or minor’s age, grade level, race, sex, and disability status. If applicable, the report shall also include the demographics of a person who is subject to bullying, hazing, cyber-bullying, or retaliation (as defined in Policy FHA). To collect the data, school personnel shall use the form established by the State Superintendent in consultation with law enforcement agencies.

The District shall report the data to the State Superintendent in a timely manner as required by the State Superintendent. Beginning with the 2022-2023 school year, the District shall report the data compiled for each school year to the State Superintendent on or before September 1 of the year in which the school year ended.

Utah Code § 53E-3-516 (2022)
Utah Admin. Rules R277-912-2 (September 24, 2020)

Notice of rules—

A copy of the rules and procedures shall be made available to all students at the time of their enrollment in the school. If a school makes significant changes to its discipline rules and procedures, written notice of the adopted and revised discipline rules and procedures shall be distributed to all new and continuing students. In the case of all new, continuing or transfer students, a copy of the rules and procedures shall be mailed to the student's parents.

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Utah Code § 53G-8-204 (2019)

Board review of school discipline rules—

Each school shall file a copy of its school discipline rules and procedures with the Board within thirty days after adoption of the rules and procedures. The Board shall review the rules and procedures filed by each school and may require the school to modify any rule or procedure that is not consistent with Board policy or state statutes on discipline in the public schools.

Utah Code § 53G-8-202 (2019)
Utah Code § 53G-8-203 (2020)

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Safe Schools

The following definitions shall apply under this policy—

1. "Suspension" means removal of a student from the student's regular classroom assignment for a definite period of time.
   a. "In-school suspension" means a temporary removal from the student's regular classroom for at least half a school day while remaining under the direct supervision of school personnel.
   b. "Out-of-school suspension" means removal of the student from school grounds for disciplinary reasons, except:
      i. If the student is served solely under a Section 504 plan, "out-of-school suspension" means excluding the student from school for disciplinary purposes for one day or longer; and
      ii. If the student is a student with disabilities under IDEA, "out-of-school suspension" means the temporary removal of the student from the student's regular school to another setting for disciplinary reasons.

   Utah Admin. Rules R277-100-2(33) (January 8, 2021)
2. "Short-term suspension" means an out-of-school suspension with exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time that is equal to or less than 10 school days.
3. "Long-term suspension" means an out-of-school suspension with exclusion of the student from the school, school grounds, and school activities and functions for a specific period of time that is greater than 10 school days.
4. "Expulsion" means termination of the student's status as a student enrolled in the school. Expulsion may be for an indefinite or fixed period of time.
5. "Involuntary transfer" means reassignment of a student from one school, campus, or academic program, to a different school, campus, or academic program within the District. Involuntary transfer may be for an indefinite period of time or for a fixed period of time.
6. "School district location" means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.
7. "Disruptive behavior" means conduct which unreasonably interferes with the educational process or instruction of students in the classroom or elsewhere, including foul, profane, vulgar or abusive language.

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8. "Bullying" means intentionally committing a written, physical, or verbal act that a reasonable person under the circumstances should know or reasonably foresee will have one of the following effects:
   a. causing physical or emotional harm to the school employee or student:
   b. causing damage to the school employee or student's property;
   c. placing the school employee or student in reasonable fear of:
      i. harm to the school employee's or student's physical or emotional well-being; or
      ii. damage to the school employee's or student's property.
   d. creating a hostile, threatening, humiliating, or abusive educational environment due to:
      i. the pervasiveness, persistence, or severity of the actions; or
      ii. a power differential between the bully and the target; or
   e. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

   Utah Code § 53G-9-601(2) (2019)
9. "Communication" means the conveyance of a message, whether verbal, written, or electronic.

   Utah Code § 53G-9-601(3) (2019)
10. "Cyber-Bullying" means:
   a. 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.
   b. In addition, any communication of this form that is generated off-campus but causes or threatens to cause a material and substantial disruption at school or interference with the rights of students to be secure may also be considered cyber-bullying.

   Utah Code § 53G-9-601(4) (2019)
11. "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act that:
   a. meets one of the following:
      i. endangers the mental or physical health or safety of an individual; or

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ii. 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;

iii. 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

iv. 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 either;

b. is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in any school or school sponsored team, organization, program, club, or event; or

c. is directed toward an individual whom the actor 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 actor also participates.

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

Utah Code § 76-5-107.5 (2022)
Utah Code § 53G-9-601(5) (2019)

12. "Retaliate" means an act or communication intended:

a. as retribution against a person for reporting bullying, cyber-bullying, abusive conduct, or hazing; or

b. to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, abusive conduct, or hazing.

13. "Weapon" means "dangerous weapon," which includes any firearm or any object that is used for, or is readily capable of, causing death or serious bodily injury. "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or any device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive. The following factors are used in determining whether an object other than a firearm is a dangerous weapon:

a. the location and circumstances in which the object was used or possessed;

b. the primary purpose for which the object was made;

c. the character of the wound, if any, produced by the object's unlawful or improper use;

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d. the manner in which the object was unlawfully or improperly used;

e. whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and

f. the lawful purposes for which the object may be used.

Possession of a weapon shall not violate this policy if possession is approved in writing by the responsible school administrator or if the item or material is present or to be used in connection with a lawful activity approved in writing by the responsible school administrator before the material in question is brought on school premises. (Persons under 21 years of age are not permitted to carry concealed firearms on school premises even if they have a permit or provisional permit to carry a concealed firearm.)

Utah Code § 76-10-501 (2015)
Utah Code § 76-10-505.5 (2021)

14. "Unlawful conduct" means any conduct by a student which violates any local, state, or federal law or regulation, or violates any District or school policy, or violates the legal rights of another person, and includes, but is not limited to, the following:

a. Harassment: the crime of harassment occurs when a student, with intent to frighten or harass another, communicates a written or recorded threat to commit a violent felony.

Utah Code § 76-5-106 (2022)

b. Burglary: burglary means entering or remaining in a building or any portion of a building with the intent to commit an additional crime.

Utah Code § 76-6-202 (2012)

c. Theft: theft means obtaining or exercising unauthorized control over the property of another with the purpose to deprive him or her thereof.

Utah Code § 76-6-404 (1973)

d. Criminal mischief: criminal mischief means intentionally damaging, defacing, or destroying the property of another; or recklessly or willfully shooting or propelling a missile or other object at or against a motor vehicle, bus, airplane, locomotive, train, railway car, or caboose, whether moving or standing, or intentionally and unlawfully tampering with the property of another so as to recklessly endanger human life, health, or safety or recklessly causes or threatens a substantial interruption or impairment of critical infrastructure.

Utah Code § 76-6-106 (2012)

e. Assault: assault means an attempt, with unlawful force or violence, to inflict bodily injury on an individual.

Utah Code § 76-5-102 (2022)

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f. Gang activity.

Utah Code § 76-9-801 to 804
Utah Code § 76-9-901 to 907

g. Willfully defaces or otherwise damages school property.

Utah Code § 53G-8-212 (2021)

15. Making a false alarm: a student makes a false alarm if he or she initiates or circulates a report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause the evacuation of any building or public transport; improper activation of school alarms or safety systems.

    Utah Code § 76-9-105 (2017)

16. Disrupting the operation of a school: Disrupting the operation of a school occurs when a person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of the school.

    Utah Code § 76-9-106 (1992)

17. Threat of Terrorism: A student commits a threat of terrorism if the student threatens to commit an offense involving bodily injury, death, or substantial property damage, and the student:

    a. Threatens to use a weapon of mass destruction or hoax weapon of mass destruction; or

    b. The student acts with intent to:

        i. Influence or affect a government or unit of government or intimidate or coerce a civilian population; or

        ii. Cause action of any nature by an official or volunteer agency organized to deal with emergencies due to the student's conduct posing a serious and substantial risk to the general public; or

        iii. Prevent or interrupt the occupation of a building or a portion of a building, a place to which the public has access, or a facility or vehicle of public transportation operated by a common carrier.

    Utah Code § 76-5-107.3 (2022)

18. "Sexual Harassment" has the definitions set out in Policy DKB and Policy FHAB.

Publication of Safe Schools Policy—

A copy of this policy shall be given to each student in school upon enrollment in the school. Each student transferring to a school in the district who was not attending a school in the district just prior to the transfer shall receive a copy of this

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policy. When a copy of this policy is provided to a student, a copy shall also be provided to the student's parent.

Utah Code § 53G-8-204(2)(a) (2019)

A copy of this policy shall be posted in a prominent place in each school in the district. Any significant change in this policy shall be posted in each school in the district, and a copy of the revised policy shall be distributed to the students in each school.

Utah Code § 53G-8-204(2)(b), (c) (2019)

Conduct Warranting Discipline—

A student may be disciplined for the conduct described below. The type of the discipline imposed will depend on the nature of the particular conduct.

1. Conduct Which May Warrant, But Does Not Require, Suspension or Expulsion:
   a. A student may be disciplined for any of the following prohibited conduct when it occurs in a school building, or on or in proximity to school property; in conjunction with any school sponsored activity; in or on a school vehicle; is directed at or against another student or a district employee; or when it threatens harm or does harm to the school, school property, a person associated with the school, or property of a person associated with the school.
      i. Any unlawful conduct, as that is defined above.
      ii. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language.
      iii. Willful destruction, defacing, or damaging of school property.
      iv. Behavior, or threatened behavior, which 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.
      v. Disruptive behavior, as that is defined above.
      vi. Possession or use of pornographic material on school property that would constitute a misdemeanor offense under Utah Code § 76-10-1235. (This includes accessing such material through the District computer network or by using any District-owned device.)
      vii. Bullying, abusive conduct, cyberbullying, retaliation, and making false allegations of bullying, bullying or retaliation. *See* Policy FGAD.
      viii. Any use of an electronic device or camera to record sounds or images or otherwise capture material in an unauthorized setting or at an unauthorized time shall subject the user of the device to increased

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discipline based on the circumstances and whether the student has been involved in prior violations of this policy.

1. The use of any device or any electronic device or camera to threaten, intimidate or embarrass another or to capture and transmit test information or any other information in a manner constituting fraud, theft or academic dishonesty will result in an immediate suspension of not less than three (3) days nor more than ten (10) days.

ix. The use of any device in a manner which may be physically harmful to another person, such as shining a laser in the eyes of another student, will result in an immediate suspension of not less than three (3) days nor more than ten (10) days. When a student repeatedly engages in such behavior, the punishment may be increased as is appropriate.

b. Selling, giving, delivering, transferring, possessing, controlling, or distributing an alcoholic beverage on or in proximity to school property or at or in proximity to any school sponsored event. See FHAA.

c. Selling, giving, delivering, transferring, possessing, controlling, or distributing tobacco products on or in proximity to school property or at or in proximity to any school sponsored event. Students shall not smoke or use tobacco products on school property or at any school-related or school-sanctioned activity on or off school property. “Tobacco products” includes an electronic cigarette or electronic cigarette product as that has been defined by state law (Utah Code § 76-10-101). See FHAG.

d. Being under the influence of an alcoholic beverage or controlled substance on or in proximity to school property or at or in proximity to any school sponsored event. See FHAA.

e. Engaging in, assisting, permitting, or otherwise being involved in hazing, as provided by the District's policy prohibiting hazing, Policy FHAC.

Utah Code § 53G-8-205(1) (2019)
Utah Code § 53G-8-602 (2018)
Utah Code § 53G-8-209 (2020)

f. Engaging in conduct that contains the elements of the offense of arson or aggravated arson under the Utah Criminal Code.

Utah Code § 76-6-102 (2022)
Utah Code § 76-6-103 (1986)

g. Engaging in conduct that contains the elements of any felony.

h. Sexual Harassment.

i. Gang-related activity: A “gang” as defined in this policy means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name

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or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. Gang-related activity includes but is not limited to:

i. Wearing, possessing, using or distributing, displaying or selling any clothing, jewelry, emblem, badge, symbol, sign or other things which evidence membership in a gang.

ii. Use of a name associated with or attributable to a gang;

iii. Designating "turf" or an area for gang activity or occupation.

Be aware that there are challenging constitutional issues related to policies dealing with gang-related attire as the policy impacts students' First Amendment speech rights. A school should be able to document evidence of real and substantial problems caused by, or at least reasonably likely to be caused by, gang clothing. In designing a dress code, school authorities should focus on problems if they exist. A school may choose to develop a specific list of clothing and accessories that "evidence membership in a gang." Such lists must be flexible to adapt to shifts in fashion styles. Students must be given ample notice of the list and any amendments. The policy should also include an appeals process that allows students to dispute that particular clothing deemed gang related is actually not gang regalia.

2. Conduct Which Requires Suspension or Expulsion

   a. A student shall be suspended (out-of-school suspension) or expelled from school for participation in any serious violation affecting another student or a staff member, or any serious violation when it occurs in a school building, in or on school property; or in conjunction with any school sponsored activity including:

      i. The sale, control, delivery, transfer or distribution of a drug or controlled substance, as defined in Utah Code § 58-37-2, an imitation controlled substance, as defined in Utah Code § 58-37b-2, or drug paraphernalia as defined in Utah Code § 58-37a-3 (See Policy FHAA);

      ii. 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.

Utah Code § 53G-8-205(2) (2019)
Utah Code § 76-5-102 (2022)
Utah Code § 76-5-102.3 (2022)

3. Conduct Which Requires 1-year Expulsion

   a. A student shall be expelled from school for not less than one year, subject to the 45-day review process for mandatory year expulsions set forth below, if the student participates in any serious violation affecting another

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student or a staff member, or any serious violation when it occurs in a school building, in or on school property; or in conjunction with any school sponsored activity including one of the following violations:

i. possession, control or actual or threatened use of a real weapon, explosive, or flammable device or material;

ii. the actual or threatened use of a look-alike or pretend weapon with intent to intimidate another person or to disrupt normal school activities.

Utah Code § 53G-8-205(2)(b) (2019)

4. Discipline Rules for Students With Disabilities

   a. Federal and state laws impose particular requirements regarding discipline of students identified as having a disability or when the school has sufficient notice of a disability. Discipline of such students must comport with the requirements set forth in Policy FHAD for students with disabilities.

Remedial Measures and Disciplinary Sanctions—

Following a determination that a student has committed a violation, the student may be subject to one of the following remedial measures or disciplinary sanctions, as is determined to be appropriate for the violation or as is required by the terms of this policy or other District policies.

1. Remedial Measures

   a. Continued school attendance subject to the terms of a remedial discipline plan prepared to correct the violation. This remedial measure is available only where the violation is for willful disobedience, defiance of authority, or disruptive behavior when such conduct is not of such a violent or extreme nature that immediate removal from school is required.

   b. Continued school and class attendance accompanied by the student's parent or guardian for a designated period of time. This remedial measure is available only with the consent of the student's teacher or teachers and the agreement of the student's parent or guardian. The parent or guardian must agree to attend all of the student's classes for each day of the suspension. If the parent or guardian fails to attend class with the student, the student shall then be subject to suspension or other discipline in accordance with this policy.

   c. In-school suspension. Attendance in a designated in-school suspension program. Students shall be instructed in the essential elements of the courses in which they are enrolled at the time of removal.

   d. Home-based instruction. Instruction at home, provided that combined days of suspension and assignment to home-based instruction shall not exceed ten (10) school days in a semester.

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e. Voluntary transfer. Voluntary transfer to another school, campus, community-based alternative school or other special program within the district, subject to the admission criteria of such alternative programs.

f. Withholding grade reports, diplomas and transcripts. If a school determines that school or district property has been lost or willfully cut, defaced or otherwise damaged by a student, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or student's parent has paid for the damages.

   i. If the student and the student's parent are unable to pay for the damages or if it is determined by the school in consultation with the student's parent that the student's interests would not be served if the parent were to pay for the damages, then the school shall provide a program of work the student may complete in lieu of the payment. In that case, the school shall release the official grade report, diploma, or transcript of the student upon completion of the work.

   ii. If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the Department or agency, may not be withheld from the Department or agency for non-payment of damages under this section.

   iii. No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.

   Utah Code § 53G-8-212 (2021)

2. Disciplinary Sanctions

   a. Detention. Students in grades kindergarten through six may be detained in school after regular school hours in the event the responsible school administrator determines that such action is justified in disciplining the student. No student may be detained after regular school hours until his or her parent has received prior notice of the detention to take place on a particular school day.

      i. The notice provided for under this policy need not be completed prior to detention of the student if detention is necessary for the student's health or safety.

      Utah Code § 53G-8-203(2) (2020)

   b. Suspension (in-school or out-of-school).

   c. Involuntary transfer. Involuntary transfer to another school, campus, community-based alternative school or other special program within the District.

   d. Expulsion.

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Authority to Impose Discipline—

The Board of Education hereby delegates to each school principal within the District the authority to suspend a student in the principal's school for up to ten (10) school days, in accordance with this policy.

The Board of Education hereby delegates to the superintendent the authority to suspend a student for up to one (1) school year.

The Board of Education has the authority to expel a student for a fixed or indefinite period.

Utah Code § 53G-8-206 (2019)

Procedure for Imposing Discipline—

Remedial measures or disciplinary sanctions may be imposed on a student only after it has been determined, following appropriate due process, that the student has committed a violation. The nature of the due process required depends in part on the magnitude of the penalty to be imposed. When a student is accused of sexual harassment, the procedure set out in Policy FHAB shall be followed in place of the procedure in this policy.

1. Short-term Out-of-School Suspension

   a. Informal due process hearing. A school principal may suspend a student from school for up to ten (10) school days for a violation. Prior to imposing such a suspension, the school principal shall meet with the student, if possible, to discuss the incident(s) and to provide the student an opportunity to respond. The principal shall then determine whether a violation has occurred and whether suspension or other discipline is appropriate. In appropriate cases, the principal shall consider and offer the student alternatives to out-of-school suspension, including in-school suspension and parental attendance with the student (where appropriate consent from teachers is obtained).

   b. Short-term out-of-school suspension pending due process hearing. If the school principal makes an initial determination that the violation warrants long-term suspension or expulsion, the school principal may recommend those sanctions and may impose a short-term out-of-school suspension pending a hearing on whether those sanctions should be imposed.

   c. Departure from school grounds. A suspended student shall immediately leave the school building and grounds following a determination by the school of the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.

      Utah Code § 53G-8-206(5)(a) (2019)

   d. Notice of short-term out-of-school suspension. If a short-term suspension is imposed, the principal or assistant principal shall immediately provide

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notice to the student's parent. Notice shall, if possible, be given by telephone. If reasonable efforts to contact the parent by telephone are unsuccessful, then written notice shall be sent to the parent. The notice, whether verbal or written, shall include the following:

i. That the student has been suspended from school.

ii. The grounds for the suspension.

iii. The period of time for which the student is suspended from school.

iv. The date, time and place for the parent and student to meet with the principal or assistant principal to review the suspension. This meeting shall be scheduled to occur as soon as is practicable, but in all cases prior to the end of the tenth day of the suspension.

Goss v. Lopez, 419 U.S. 565 (1975)
Utah Code § 53G-8-206(4) (2019)

e. Notice of recommended expulsion or long-term suspension. If the principal or assistant principal has recommended that the superintendent expel the student or suspend the student from school for a period longer than ten days, that fact shall be included in the notice to the parent or guardian.

f. Meeting to review out-of-school suspension. At this meeting, the principal or assistant principal shall review with the parent and student the charges and evidence against the student and shall provide the student and parent with an opportunity to respond. During this meeting, the principal or assistant principal may determine whether the suspension previously imposed should be maintained, whether to adopt an alternative remedial measure, or whether the suspension should be terminated. The principal or assistant principal should also discuss with the parent a plan to avoid recurrence of the problem.

Utah Code § 53G-8-206(5)(b), (c) (2019)

2. Long-term Out-of-School Suspension or Expulsion

a. Due process hearing. If the principal or assistant principal recommends long-term suspension from school or expulsion, he or she shall notify the superintendent of that recommendation. The superintendent shall then schedule a hearing to be held with the student's parent or guardian, the student, and the superintendent or the superintendent's designee. The hearing shall be scheduled to take place prior to the tenth day of the student's suspension from school where possible.

b. Notice of hearing. The superintendent shall provide written notice of the date, time and place of the hearing to the student and his or her parent or guardian so as to afford a reasonable opportunity for preparation. The notice shall include a statement of the charges against the student, that a recommendation has been made for suspension from school for more

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than 10 days or for expulsion and the period of time for which suspension or expulsion has been recommended. The statement of the charges against the student shall include the nature of the evidence and the names of any witnesses whose testimony may be used against the student unless confidentiality is required due to the necessity to protect student witnesses.

Wagner v. Ft. Wayne Community Schools, 255 F. Supp. 2d 915 (N.D. Ind. 2003)

c. Conduct of hearing. The superintendent or the superintendent's designee shall preside at and conduct the hearing at the appointed time and place. The district and the student may each be represented by a person of their choice. Each side may present testimony of witnesses or other evidence, may cross-examine witnesses and may make legal arguments relevant to the issues. However, the district may present hearsay evidence if confidentiality is required due to the necessity to protect witnesses.

   Wagner v. Ft. Wayne Community Schools, 255 F. Supp. 2d 915 (N.D. Ind. 2003)

d. Decision. At the conclusion of the hearing, the superintendent or designee shall make a final determination of the matter and shall state his or her determination to those attending the hearing. The determination shall then be placed in writing and mailed to the student and his or her parent. Upon a finding that the student has engaged in conduct warranting discipline, the superintendent may determine what discipline or remedial measures are appropriate for the conduct. If the superintendent determines that the appropriate sanction is expulsion, then that sanction must be authorized by the Board of Education as set out below. Apart from expulsion, the superintendent may impose any of the available remedial measures or sanctions as are found to be appropriate. In determining the appropriate sanction, the superintendent shall consider whether alternatives to suspension are appropriate or available.

   Utah Code § 53G-8-206 (2019)
   Utah Code § 53G-8-207 (2019)

e. Appeal. A student may appeal the determination of the superintendent to the Board of Education by filing a written notice of appeal with the superintendent within ten (10) days of the date the decision of the superintendent is mailed to the student. No further hearing will be held. The Board will review the evidence submitted to the superintendent and the written determination of the superintendent. The Board may affirm the superintendent's decision or modify the Superintendent's decision. The Board's written decision will be issued within thirty (30) days of receipt of the student's written notice of appeal.

f. Board evaluation of expulsion recommendation. If the superintendent recommends expulsion for an indefinite or definite period of time, then the superintendent will transmit that recommendation to the Board of

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Education along with the record of evidence submitted to the superintendent. The Board may review the recommendation based on this record or may at its sole discretion accept further evidence. Following its review, the Board may accept, modify, or reject the recommendation, or impose other disciplinary sanctions. This decision is final.

Utah Code § 53G-8-206(3) (2019)

g. 45-day review of mandatory one-year expulsions. Where a student has been expelled for one year because of a violation involving a weapon, explosive, or flammable material, a hearing shall be held within 45 days of the imposition of the expulsion. This hearing shall be held before the superintendent or the superintendent's designee and shall be attended by the student and a parent of the student. At this hearing, the superintendent shall determine

   i. what conditions must be met by the student and the student's parent for the student to return to school;

   ii. whether the student should be placed on probation in a regular or alternative school setting, and if so what conditions must be met by the student to assure the safety of students and staff at the school the student is placed in; and

   iii. if it would be in the best interest of both the school district 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.

   iv. If the superintendent or his or her designee determines that the student should return to school prior to the expiration of the one-year expulsion term conditioned on compliance with the conditions established by the superintendent, then the superintendent shall submit that recommendation to the Board of Education. If the Board of Education approves the return, the student may return to school pursuant to the conditions established.

   Utah Code § 53G-8-205(2)(b) (2019)

h. A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

   Utah Code § 53G-8-205(3) (2019)

Evidence in Student Hearings—

All student disciplinary hearings shall be conducted by the Board or its designee in an executive session. All evidence presented in such hearings shall constitute student educational records and shall be treated as "confidential". The District hereby designates all student records as "protected" under the Government Records Access Management Act. The names of students giving statements used in

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a student hearing involving other students may be protected and redacted where necessary to protect the students from threats of harm or interference with the educational process.

Notification of Weapons on School Property—

Whenever a student is found on school property during school hours or a school sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify appropriate law enforcement personnel as well as school and district personnel who, in the good faith opinion of the principal should be informed.

Utah Code § 53G-8-510 (2018)

Education of Students Subject to Discipline—

The educational services that will be provided to students subject to discipline will depend upon the nature of the discipline.

1. Students subject to remedial measures. Students subject to remedial measures such as a remedial discipline plan, class attendance with a parent, or in-school suspension will continue to receive educational services from the district according to the remedial measure. A student transferred to another school or program within the district will receive educational services through that school or program.
2. Parental responsibility for education. When a student is expelled or is suspended from school for more than 10 days, it is the responsibility of the parent's student to undertake an alternative education plan which will ensure that the student's education continues during the period of the suspension or expulsion. The parent shall work with designated school officials to determine how that responsibility might best be met through private education, alternative programs offered by the district, or other alternatives which will reasonably meet the student's educational needs. Costs for educational services not provided by the district are the responsibility of the student's parent.

   Utah Code § 53G-8-208 (2020)
3. Review of student progress. The district shall contact the parent of each suspended or expelled student under the age of 16 at least once per month to determine the student's progress.

   Utah Code § 53G-8-208(4)(b) (2020)
4. Record of disciplined students. The district shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the student's cumulative folder.

   Utah Code § 53G-8-208(4)(a) (2020)

Readmission of Suspended or Expelled Students—

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1. Suspended students. A suspended student may not be readmitted to a public school until the student and the student's parent or guardian have met with a designated school official to review the suspension and have agreed with the school official upon a plan to avoid recurrence of the violation resulting in suspension. At the discretion of the principal, the student may be readmitted if the student and the student's parent or guardian have agreed to participate in such a meeting. However, a suspension may not extend beyond ten (10) days unless the student and the student's parent or guardian have been given a reasonable opportunity to meet with a designated school official to respond to the allegations and proposed disciplinary action.
2. Expelled students. The superintendent or his or her designee shall review the expulsion sanction of each expelled student at least once per year and shall report the conclusions of such review to the Board of Education. The superintendent or his or her designee may make recommendations regarding whether such sanction should be modified or removed, and what conditions, if any, should be imposed on the student's readmission. If the Board has expelled a student for a set period of time and has not otherwise specified, at the expiration of that expulsion term a student may enroll at his or her area school on the same terms as a new student.

Information Regarding SafeUT Crisis Line—

The SafeUT Crisis line established by the State through the University Neuropsychiatric Institute provides crisis intervention, including suicide prevention, to individuals experiencing emotional distress or psychiatric crisis. It also provides means for an individual to anonymously report (1) unsafe, violent, or criminal activities, or the threat of such activities at or near a public school, (2) incidents of bullying, cyberbullying, harassment, or hazing, and (3) incidents of physical or sexual abuse committed by a school employee or school volunteer. The Board shall inform students, parents, and school personnel about the SafeUT Crisis Line.

Utah Code § 53B-17-1202(1) (2019)
Utah Code § 53B-17-1204(4) (2019)

Response to SafeUT Crisis Line Reports—

The District shall respond to reports received through the SafeUT Crisis Line in accordance with models developed by the State Board of Education.

Utah Code § 53G-8-203(1)(i) (2020)

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Safe Schools
Alcohol and Drugs

Alcohol—

A person may not possess or drink an alcoholic beverage inside or on the grounds of any building operated by a part of the District or in those portions of any building, park, or stadium that is being used for an activity sponsored by or through the District or any part thereof. Violation of this provision is a misdemeanor.

Utah Code § 53G-8-602 (2018)

Student Offenses—

No student shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 CFR § 1300.1 et seq., before, during or after school hours at school or in any other school district location as defined below.

School District Location Defined—

"School district location" means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

Guidelines—

Compliance with this policy should be mandatory. A student who violates the terms of this policy may be suspended or expelled from school, at the discretion of the Board. Each student found in violation of this policy shall be provided with information about drug and alcohol counseling, rehabilitation, and re-entry programs available to students through the school district or otherwise. Violations of the policy on drugs and alcohol may be reported to an appropriate law enforcement agency if permitted under Utah Code § 53G-8-211.

1. Violations—Use or Possession
    a. First Violation:
        i. Students violating the Drugs and Alcohol Policy for the first time will automatically be placed in an alternative education program at home for a minimum of ten (10) days. Students who are participants of

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teams, choirs, clubs, etc., or elected officers will give up their involvement in that extracurricular activity for the duration of the ten (10) days. They will not be allowed to attend such activities, even as a spectator. Students and their parents will have an opportunity to fulfill the ten (10) day obligation in two ways:

ii. The student will be placed in an alternative educational program based at home for the designated ten (10) school days. Parents will be required to coordinate homework assignments with a designated school representative.

iii. In lieu of the ten (10) day home-based alternative educational program, the student and his/her parents will enroll in an Early Intervention Drugs and Alcohol Class. The student will be able to return to regular classes the day following the first session of the class. Parents will be required to coordinate homework assignments with a designated school representative during the intervening time.

b. Second Violation:

i. If there is a second violation of the Drugs and Alcohol Policy, the student will be placed on a home-based alternative educational program for a period of nine (9) weeks. A certificated teacher will be sent to the home for two hours once a week for the nine-week period to aid the student with his/her learning.

ii. Any student who has a second violation of the Drugs and Alcohol Policy must submit to a written assessment for potential chemical dependence. This assessment will be conducted by a District team composed of the local school guidance specialist and a school district psychologist. Any assessment done by anyone other than this team would be at the option and expense of the parent(s). Before the student is readmitted to school, the assessment results will be presented to the parent(s) and will be forwarded to Juvenile Court if permitted under Utah Code § 53G-8-211.

c. Third Violation:

i. If any student is involved in a third violation of the Drugs and Alcohol Policy, the student will automatically be placed in a home-based alternative education program for the remainder of the school year.

2. Violations—Selling or Distributing

a. First Offense:

i. Because of the seriousness of the offense, a student selling and/or delivering alcohol or other illegal substances shall be automatically placed in a home-based alternative educational program for a period of nine (9) weeks.

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ii. Before the student is re-admitted to school, he/she must submit to a written assessment for potential chemical dependence. This assessment will be conducted by a District team composed of the local school guidance specialist and a school district psychologist. Any assessment done by anyone other than this team would be at the option and expense of the parent(s). The assessment results will be presented to the parent(s) and will be forwarded to Juvenile Court if permitted under Utah Code § 53G-8-211.

b. Second Offense:

i. Any second offense for selling and/or delivering alcohol or other illegal substance will automatically place a student in a home-based alternative educational program for the remainder of the school year.

3. Alternative Education

a. Students who violate the Drug and Alcohol Policy will be placed in alternative education programs as outlined under items 1 and 2. If the designated number of days or weeks of alternative education cannot be completed by the end of the school year, the alternative education program is to be completed at the beginning of the next school year.

4. Repeat Offenders

a. Records will be maintained on all violations of the Drug and Alcohol policy. A student with more than one violation on record will be considered a repeat offender whether the first offense was committed in the current school year or in any prior school year.

5. Removal from Campus

a. During the time a student is on the home-based alternative educational program, he/she is not to be on campus or be a spectator or participant or attend any extra-curricular activity sponsored by the school. If a senior student is placed on the home-based alternative educational program for violation of the Drugs and Alcohol Policy and that placement coincides with the end of school, he/she will not be allowed to participate in graduation exercises. The diploma will be awarded upon completion of the home-based alternative educational program and all other graduation requirements.

6. Students in Elected Positions

a. Students in elected leadership positions or representing the school through current extracurricular activities who violate this policy are subject to its guidelines regardless of the time or location of the violation. Students found in violation of this policy will also be subject to the due process under the school district's policy.

7. Disclosure

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a. Utah state law requires teachers and school personnel to disclose information of suspected chemical and alcohol abuse to the parent. Personnel will complete the Suspected Abuse Report form and submit it to the appropriate school administrator for referral to the parent.

   Utah Code § 53G-8-502 (2018)
   Utah Code § 53G-8-503 (2019)

b. The purpose of disclosure will be to make parents aware of potential problems and dangers associated with substance abuse.

c. The disclosure will review student behavior or situations causing concern: attendance, discipline, behavior, grades, physical symptoms, and other problems that affect school performance.

d. Disclosure will allow parents to seek help for further evaluation of the child from outside agencies.

e. Parents will be provided with information regarding agencies providing service to adolescents: assessment counseling and treatment.

f. In complying with Utah state law for disclosure, the school district meets this obligation to parents. The school system will not be held responsible for any financial action resulting from disclosure (assessment, treatment, or counseling). Payment for services or materials provided by chemical abuse professionals who are not school employees will be the responsibility of the parents.

8. Treatment

   a. In order to support the family and student when treatment is sought, the District will provide elective credit for education received during the treatment process. The treatment program must meet Utah State Division of Alcoholism and drug license qualifications.

   b. Inpatient/Day Treatment—A student may earn a maximum of one health credit for inpatient treatment under the following guidelines:

      i. Successful completion of the treatment credit will be awarded on the same basis as academic credit (90 hrs. equals 1/2 credit).

      ii. A maximum of five and one-half (5 ½) hours per day may be counted.

   c. Aftercare—After completion of the treatment program, a student may earn one elective health credit for participation in an approved aftercare program. The following condition must be met:

      i. A maximum of one credit hour may be earned. This credit will be recorded as one elective health credit.

      ii. Credit will be awarded on the same hourly basis as academic credit. (90 hours equals ½ credit).

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iii. Students must submit a schedule of aftercare programs and verification of regular attendance.

Notice—

The following notice shall be provided to all students of the District:

YOU ARE HEREBY NOTIFIED that use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and that it is a violation of the policy of this school district for any student to distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance as defined in Schedules I through V of Section 202 of Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 CFR § 1308.11 through 1308.15, before, during or after school hours, at school or in any other school district location as defined below.

"School district location" means in any school building and on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or other school activities; off-school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, or during any period of time when the student is under the supervision of school district personnel or otherwise engaged in a school district activity.

Any student who violates the terms of the school district's Drug and Alcohol Policy is subject to the discipline outlined in the school district's policies including all disciplinary sanctions consistent with local, state and federal law, up to and including expulsion and referral for prosecution and/or completion of an appropriate rehabilitation program.

YOU ARE FURTHER NOTIFIED that compliance with this policy is mandatory.

Section 5145 of the Drug Free Schools and Community Act (Public Law 101-226).

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Safe Schools
Sexual Harassment

Board Policy—

The Board of Education of the _____ School District does not discriminate on the basis of sex in its programs and activities and is required by Title IX and 34 CFR Part 106 not to discriminate on the basis of sex, including but not limited to such discrimination in admission and employment. The Board adopts this policy in order to meet its obligations under Title IX to provide appropriate treatment of and response to complaints or reports of sexual harassment and to seek to provide a learning environment free from sexual harassment and discrimination on the basis of sex. Therefore, the District will promptly respond to notice of sexual harassment or allegations of sexual harassment and take appropriate action.

This policy addresses sex discrimination in the form of sexual harassment by students. Policy DKB addresses sex discrimination in the form of sexual harassment by employees and against employees as to their employment. Other forms of sex discrimination are addressed in Policy FA and Policy DAA. It is a violation of this policy and of Policy FHA for any student to sexually harass any other student or employee.

The District encourages all victims of sexual harassment and persons with knowledge of sexual harassment to immediately report that to the Title IX Coordinator or an administrator. Employees with knowledge of sexual harassment or possible sexual harassment are required to report that information to their supervisor and/or the Title IX Coordinator. (Failure to make such reports may result in disciplinary action according to District policy.) All complainants have the right to be free from retaliation of any kind.

Notice of this policy shall be given to all students seeking admission and their parents and shall be included in student handbooks. Questions about rights under Title IX and about the application of Title IX to the District can be directed to the Title IX Coordinator identified in this policy or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

34 CFR § 106.8(b)(1)
34 CFR § 106.45(a)

No Expansion or Reduction of Other Legal Rights—

Nothing in this policy shall be construed to give any right, claim or action beyond the specific process provided in this policy. Nothing in this policy restricts rights which may be available under other District policies or under applicable laws or regulations.

Prohibition of False Statements—

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Students and employees are prohibited from knowingly making false statements or knowingly submitting false information in connection with allegations of sexual harassment or a sexual harassment investigation or a sexual harassment grievance procedure. Any student or employee doing so is subject to disciplinary action.

Definitions—

1. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to any employee of the District.
2. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
3. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. (The complainant must be participating or attempting to participate in a District program or activity at the time of filing.) Although the Title IX Coordinator may sign a formal complaint, the Title IX Coordinator does not thereby become the complainant or a party to the grievance proceeding.
4. A "program or activity" of the District includes all locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurs

   34 CFR § 106.44(a)
5. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
6. "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

   a. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; or

   b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a program or activity of the District; or

   c. "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

   "Sexual harassment" for purposes of this policy does not include all improper conduct based on sex. Conduct which is not sexual harassment may violate other District policies and be subject to disciplinary action, including under Policy DAI, DHA, DKBA, DLA, FA, FGAD, and FHA, among others.

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7. "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to any District program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

34 CFR § 106.30(a)

Title IX Coordinator—

The District shall designate one or more employees to serve as Title IX Coordinator. The Title IX Coordinator is responsible and has authority to coordinate the District's compliance with Title IX, including but not limited to responding to sexual harassment. The designated Title IX Coordinator for the District is: _____. The contact information for the Title IX Coordinator is:

Name_____ Title/Position_____

Mailing Address_____

Office Email _____ Telephone_____

Reports about any form of sex discrimination (including sexual harassment) may be made to the Title IX Coordinator by any person (whether or not the discrimination was directed at that person) using any of the contact methods listed above or by any other means and at any time (including during non-business hours).

34 CFR § 106.8(a)

District Response to Sexual Harassment—

As directed and coordinated by the Title IX Coordinator, the District shall, after receiving "actual knowledge" of "sexual harassment" in a District "program or activity" (as each of those terms are defined in this policy, respond promptly and reasonably to fulfill its obligations under Title IX. The District shall treat the complainant and respondent equitably and may not impose disciplinary actions or sanctions on a respondent before a determination of responsibility is made through the grievance procedure set out below. The response shall include prompt contact by the Title IX Coordinator with the complainant to:

1. Discuss the availability of supportive measures;
2. Consider the complainant's wishes with respect to supportive measures;

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3. Inform the complainant that supportive measures are available with or without filing a formal complaint; and
4. Explain the process for filing a formal complaint.

Regardless of whether a formal complaint is filed, the District shall respond appropriately, including implementing appropriate supportive measures as determined by the Title IX Coordinator.

In response to a formal complaint, the District shall follow the grievance procedure set out below. In appropriate circumstances, the District's response to actual knowledge of sexual harassment may include the Title IX Coordinator signing a formal complaint to initiate the grievance procedure even when the complainant does not wish to do so.

The District may remove a respondent from a District program or activity on an emergency basis if following an individualized safety and risk analysis the District determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. (However, such actions are subject to restrictions relating to change in placement under IDEA and restrictions under Section 504.)

The District may place a non-student employee respondent on administrative leave during the pendency of a grievance proceeding following a formal complaint, consistent with the District policy relating to leave relating to possible employment action.

34 CFR § 106.44(a)

Sexual Harassment Grievance Procedure—

The sexual harassment grievance procedure is initiated by the filing of a formal complaint with the Title IX Coordinator. The parties to the procedure are the complainant and the respondent. The complaint may be filed in person, by mail, or by email. A formal complaint can be in the form of a document or electronic submission and must either contain the physical or electronic signature of the complainant or the Title IX Coordinator or otherwise indicate that the complainant is the person filing the formal complaint.

34 CFR § 106.30(a)

Generally Applicable Requirements

The following standards and requirements apply generally throughout the grievance and appeal process:

1. The respondent is presumed to be *not* responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

   34 CFR § 106.45(b)(1)(iv))

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2. The District is to shoulder the burden of gathering evidence sufficient to reach a determination regarding responsibility and is not to place that burden on the parties.

   34 CFR § 106.45(b)(5)(i)

3. Legal evidentiary privileges are to be respected: The District will not require, allow, rely on, seek disclosure of, or otherwise use information protected under a legally recognized privilege unless the person holding the privilege has waived it.

   34 CFR § 106.45(b)(1)(x))

4. The parties will be given equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

   34 CFR § 106.45(b)(5)(ii)

5. The District will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence within the procedural framework.

   34 CFR § 106.45(b)(5)(iii)

6. The parties will have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding.

   34 CFR § 106.45(b)(5)(iv)

7. For any investigative interviews or other meetings at which a party's participation is expected or invited, the party will be given written notice of the date, time, location, participants, and purpose of the interview or meeting at a time sufficiently in advance to enable the party to prepare to participate.

   34 CFR § 106.45(b)(5)(v)

8. The time frames provided in this policy are intended to provide reasonably prompt resolution of complaints. However, the District may, for good cause and with written notice to the complainant and respondent explaining the reasons, temporarily delay the grievance process or extend a time frame for a limited time. Good cause may include (but is not limited to) considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

   34 CFR § 106.45(b)(1)(v)

Supportive Measures During the Grievance Process

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During the pendency of the grievance process, either party may request or the Title IX Coordinator may offer supportive measures as defined above, and such measures shall be provided as the Title IX Coordinator determines is appropriate.

34 CFR § 106.45(b)(1)(ix)

Potential Disciplinary Sanctions for Responsible Respondents

A respondent who is found responsible following the conclusion of the grievance procedure may be subject to disciplinary action in the form of remedies that are in the nature of supportive measures for the complainant but which impose a burden on the respondent and are punitive in nature. A responsible respondent may be sanctioned by the loss of participation privileges in a District activity, including extracurricular activities. A responsible respondent may also be subject to any of the disciplinary sanctions set out in Policy FHA. The same sanctions may be imposed on a respondent who admits to being responsible for sexual harassment without challenging the charge through the formal grievance process.

34 CFR § 106.45(b)(1)(vi)

Consolidation of Complaints

Where the allegations of sexual harassment arise out of the same facts or circumstances, the Title IX Coordinator may consolidate formal complaints made against more than one respondent, or made by more than one complainant against one or more respondents, or made by one party against another party. When complaints are consolidated, singular references in this policy (for example, “complainant”) also include the plural as is applicable.

34 CFR § 106.45(b)(4)

Summary Dismissal of Complaint

After receiving the formal complaint, the Title IX Coordinator shall review the allegations in the complaint and make a determination whether, accepting the allegations as true, any of the following circumstances are present:

1. The conduct alleged does not constitute sexual harassment as defined in this policy.
2. The conduct alleged did not occur in a District program or activity.
3. The conduct alleged did not occur against a person in the United States.

If any of these circumstances are present, the Title IX Coordinator shall dismiss the complaint for purposes of sexual harassment and this policy and shall promptly send simultaneous written notice of the dismissal and the reason(s) for dismissal to the parties. If the alleged conduct constitutes misconduct under other District policies regulating student or employee conduct, the Title IX Coordinator shall refer the complaint to the appropriate administrator for consideration for investigation and possible disciplinary action.

34 CFR § 106.45(b)(3)(i)

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Permissive Dismissal of Complaint

At any time during the investigation of a formal complaint or the determination process, the Title IX Coordinator may dismiss a complaint or particular allegations in the complaint if:

1. The complainant gives written notice to the Title IX Coordinator that the complainant wants to withdraw the formal complaint or particular allegations in the complaint;
2. The respondent is a student and is no longer enrolled in the District or is an employee and is no longer employed by the District; or
3. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the complaint or the allegations in the complaint.

If the Title IX Coordinator determines to dismiss the complaint on any of these grounds, then the coordinator shall promptly send simultaneous written notice of the dismissal and the reason(s) for dismissal to the parties.

34 CFR § 106.45(b)(3)(ii)

Appointment of Investigator and Decision Maker

Upon receipt of a formal complaint, the Title IX Coordinator shall either determine that the Title IX Coordinator will investigate the complaint or shall appoint a qualified and trained District employee to investigate the complaint.

The Title IX Coordinator shall also appoint one, three, or five qualified and trained District employees to render the decision on the complaint as provided below. Neither the Title IX Coordinator nor any investigator on a complaint may serve as a decision maker.

34 CFR § 106.45(b)(7)(i)

Written Notice of Complaint

Within 7 days of receipt of a formal complaint, the Title IX Coordinator shall provide to all known parties a written notice which includes:

1. Notice of the grievance procedures, including the availability of voluntary mediation as provided in this policy;
2. Notice of the allegations potentially constituting sexual harassment. This notice shall include, as known at the time of the notice, the identities of the parties involved, a description of the conduct allegedly constituting sexual harassment, and the date(s) and location(s) of the alleged incident(s). This information must be provided with sufficient time for a party to prepare a response before an initial interview;
3. The statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

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4. Notice that each party may have the assistance of an advisor of their choice (who may be an attorney but is not required to be an attorney);
5. Notice that each party may inspect and review evidence;
6. Notice that under this policy parties are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

If during the course of the investigation the District decides to investigate allegations (about the complainant or the respondent) which are not included in the initial written notice, then the District will provide notice of the additional allegations to all known parties.

34 CFR § 106.45(b)(1)(v), (2)

Investigation, Initial Response to Evidence, and Investigative Report

The investigation will be completed as soon as reasonably possible, and generally not more than 30 days after the investigator is assigned.

34 CFR § 106.45(b)(1)(v)

The investigation should be conducted so as to obtain the evidence necessary to make a determination regarding responsibility. Typically, this would include interviewing and/or obtaining written or recorded statements from the complainant and the respondent as well as any witnesses to the alleged conduct. It would also include gathering relevant physical and documentary evidence, including but not limited to video or audio recordings, notes, email, text messages, and social media. However, the District may not obtain, access, or use a party's treatment records in any way unless the party has given voluntary written consent for those records to be used in the grievance process. (If the party is under 18 years old and is not attending an institution of postsecondary education, the consent must be given by the student's parent.) For purposes of this restriction, "treatment records" means records made or maintained in connection with providing treatment to a party by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity.

34 CFR § 106.45(b)(5)(i)

Prior to the conclusion of the investigation and the completion of the investigative report, the District will provide to the parties copies of all evidence obtained in the investigation which is directly related to the allegations in the complaint, including any inculpatory or exculpatory investigation and even if the District does not intend to rely on the evidence in making a responsibility determination. The copies will be provided in either electronic format or a hard copy. Each party may, within 10 days of being provided the evidence, submit a written response to the investigator regarding the evidence.

34 CFR § 106.45(b)(1)(v), (5)(vi)

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After considering the evidence and any written response by the parties to the evidence, the investigator will complete an investigative report which fairly summarizes the relevant evidence. The completed report will be provided to each party and the party's advisor (if any) in electronic format or hard copy for review and written response. The report shall be provided at least 15 days before the time when the decision maker begins consideration of the evidence.

34 CFR § 106.45(b)(1)(v), (5)(vii)

Determination by Decision Maker

Upon the completion of the investigative report, the Title IX Coordinator shall notify the parties of the date when the decision maker will begin consideration of the evidence.

Position statement

On or before the date the decision maker begins consideration of the evidence, a party may submit a written statement which outlines the party's position regarding the allegations and evidence and states the party's requested determination regarding responsibility.

Written questions

Each party may, no later than 5 days before the time the decision maker begins consideration of the evidence, submit written, relevant questions that the party wants asked of any party or witness. Proposed questions may refer to or rely on any of the evidence disclosed to the parties by the investigator.

The decision maker shall determine whether each question is relevant to the allegations and to the issue of whether respondent is responsible for sexual harassment. However, questions and evidence regarding the complainant's sexual predisposition or prior sexual behavior are not relevant unless the questions and evidence either:

1. Are being offered to show that someone other than the respondent committed the alleged conduct, or
2. Are being offered to show consent and concern specific instances of the complainant's prior sexual behavior with respect to the respondent.

For any question excluded as not relevant, the decision maker must explain the decision to the party proposing the question.

The decision maker shall submit the approved questions and shall provide copies of the answers to all parties. Each party may, within 2 days of being provided answers, submit limited additional follow-up questions.

The decision maker shall determine whether follow-up questions are relevant and may also impose reasonable limitations on the number of follow-up questions allowed. The decision maker must explain to the party proposing the question any decision to exclude a follow-up question based on relevance.

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The decision maker shall submit the approved follow-up questions and shall provide copies of the answers to all parties.

34 CFR § 106.45(b)(5)(vi), (6)(ii)

Written determination

After weighing the evidence and considering the materials submitted (including the investigative report and the parties' written submissions), the decision maker shall make a determination regarding responsibility. In so doing, the decision maker shall apply a preponderance of the evidence standard. Evidence must be evaluated objectively and credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

34 CFR § 106.45(b)(1)(ii), (vii), (b)(7), (b)(7)(i)

If the decision maker consists of a panel of three or five individuals, the decision will be based on majority vote.

The decision maker will issue a written statement setting forth the determination, which must include the following elements:

1. Identification of the allegations potentially constituting sexual harassment as defined above;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the District's conduct policies (including this policy and student and employee discipline policies) to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
    a. When a respondent is found responsible for sexual harassment against the complainant, the determination shall provide appropriate remedies to the complainant, which shall be designed to restore or preserve the complainant's equal access to the District's program or activity.
    b. Such remedies may include the kinds of services which are included in "supportive measures" as defined above, but need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
6. A description of the appeal procedures and the permissible grounds for appeal by the complainant or respondent (as set forth below).

34 CFR § 106.45(b)(1)(i), (b)(7)(ii)

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The written determination shall be provided promptly and generally within 14 days after the date the decision maker begins consideration of the evidence. The written determination must be provided simultaneously to the parties.

34 CFR § 106.45(b)(1)(v), (b)(7)(iii)

The decision maker's determination becomes final on the date when the time to appeal expires (if no appeal is timely filed) or on the date that the District provides the written determination on a timely appeal.

34 CFR § 106.45(b)(7)(iii)

The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appeal

Grounds for appeal

A complainant or a respondent may appeal a dismissal decision or the determination of the decision maker based on the following grounds:

1. A procedural irregularity which affected the outcome;
2. New evidence that could affect the outcome which was not reasonably available at the time the dismissal was made or the decision maker made the determination; or
3. There was a conflict of interest or bias on the part of the Title IX Coordinator, an investigator, or a decision maker (either for or against complainants or respondents generally or for or against the individual complainant or respondent) that affected the outcome.

34 CFR § 106.45(b)(8)

Time for appeal

An appeal must be submitted within 14 days after the decision (the notice of dismissal or the decision maker's written determination) is provided to the party. Appeals submitted after that date will not be considered and the decision will be final.

34 CFR § 106.45(b)(1)(v)

Appeal process

The appeal must be delivered to the Title IX Coordinator, must be in writing and must identify each ground for appeal, together with supporting evidence and argument.

Upon receipt of a timely appeal, the following process will be implemented:

1. The Title IX Coordinator will appoint a qualified and trained District employee as the appeal officer. This person must be someone other than a decision maker on the complaint appealed from, the Title IX Coordinator or any investigator on the complaint.

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2. The Title IX Coordinator will give the other party written notice of the appeal, including a copy of the appeal.
3. The other party may provide a written response to the appeal within 14 days of being provided the appeal, including supporting evidence and argument.
4. After the time for response has expired, the appeal officer shall consider the appeal and any response and within 14 days issue a written decision describing the result of the appeal and the rationale for that result.
5. The appeal officer considers only whether the appealing party has shown that one or more of the grounds for appeal have been demonstrated. The appeal officer must not reweigh the evidence considered by the decision maker and may consider new evidence only as it is relevant to the particular ground of appeal.
6. If the appeal officer determines that a ground for appeal has been established, then the appeal officer will determine what remedy is appropriate.
7. The appeal officer shall provide the appeal decision simultaneously to both parties.

34 CFR § 106.45(b)(1)(v), (viii)

Mediation

Except for complaints that an employee has sexually harassed a student, after a formal complaint has been filed, the parties may engage in mediation facilitated by the District as follows. Mediation may occur at any time before the decision maker issues the written determination.

The mediator will keep all information or evidence shared with the mediator strictly confidential and will not disclose that information outside the mediation process. In the complaint proceeding, the parties may not refer to or use any statements or information received only through the mediation process. (This does not include a written agreement by the parties resolving the complaint.) Either party may withdraw from mediation for any reason at any time before the party has agreed to a resolution of the complaint.

Once mediation is initiated, the complaint process will be suspended until the mediation ends (either with signing of a written agreement by the parties or by one or both parties withdrawing from the mediation). However, if mediation is not completed within 30 days of being initiated, the complaint process will resume.

If one or both parties express interest in mediation the Title IX Coordinator will provide both parties with a written notice which describes the allegations of the complaint and which explains the requirements and conditions of the mediation process. Before mediation may proceed, both parties must have been provided the written notice above and must give voluntary written consent to participate in mediation. (If a party is a student under 18 who is not attending a postsecondary

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institution, this consent must be provided by the student's parent.)

If the parties agree to mediation, the Title IX Coordinator will appoint a District employee with appropriate training to serve as the mediator. The mediator may not be the Title IX Coordinator and may not participate in the complaint resolution in any other way (may not serve as an investigator, decision maker, or appeal officer).

If the parties reach an agreement to resolve the complaint through mediation, the mediator will reduce that agreement to writing and upon signing of the agreement by the parties will provide a copy of the agreement to the Title IX Coordinator. The Title IX Coordinator will implement the agreement, subject to the coordinator's authority to reject the agreement or request the parties to modify the agreement as needed for the District to meet its obligations under Title IX or to avoid unreasonable burdens on the District.

34 CFR § 106.45(b)(1)(v), (b)(9)

Qualification and Training—

To be qualified to serve as a Title IX Coordinator, investigator, decision maker, appeal officer, or mediator, an individual must not have a conflict of interest or bias for or against complainants or respondents generally or against a specific complainant or respondent.

The District will provide training on the following issues to Title IX coordinators, investigators, decision makers, appeal officers, and mediators:

1. The definition of sexual harassment;
2. The scope of the District's programs and activities;
3. How to conduct an investigation and grievance process including hearings, appeals, and mediations, as applicable;
4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
5. Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant;
6. For investigators, training on issues of relevance relating to creating an investigative report that fairly summarizes relevant evidence;

Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. Records of training materials shall be kept for 7 years by the Title IX Coordinator and shall be made available to the public on the District's website.

34 CFR § 106.45(b)(1)(iii), (10)(i)(D)

Retaliation Prohibited—

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It is prohibited to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing relating to sexual harassment or other types of sex discrimination. Prohibited retaliation includes acting with the purpose of interfering with any right or privilege secured by Title IX or implementing regulations or this policy by intimidation, threats, coercion, or discrimination. If brought for the purpose of interfering with these rights, prohibited retaliation includes charges against an individual for violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment. Reports of retaliation should be made as another form of sex discrimination under Policy FA (for students) or Policy DAA (for employees). Complaints regarding retaliation against a student may be raised under Policy FGE or as applicable under Policy FGAD or regarding retaliation against an employee under Policy DHC or as applicable under Policy DLA or Policy DLB.

34 CFR § 106.71(a)

Confidentiality—

Except to the extent required to carry out the required response to sexual harassment under this policy or other forms of sex discrimination under other policies, or as required by law, the District shall keep confidential the identity of (a) any individual who reports or complains of sexual harassment or other types of sex discrimination (including filing a formal complaint), (b) any respondent or other individual reported to have perpetrated another form of sex discrimination, and (c) any witness regarding sexual harassment or other form of sex discrimination. Except to the extent that maintaining confidentiality would impair the District's ability to provide supportive measures, the District shall keep confidential any supportive measures provided to a complainant or respondent. (In appropriately responding to sexual harassment, the District may need to disclose the identity of individuals for purposes of an appropriate investigation and following the grievance process or for purposes of appropriate supportive measures.) Disclosure is also allowed to the extent permitted by FERPA and its implementing regulations.

34 CFR § 106.71(a)
34 CFR § 106.30(a)

Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate authorities and the confidentiality of the information will be maintained as required by Utah Code § 80-2-1005. (See Policy DDA.)

Utah Code § 80-2-602 (2022)
Utah Code § 80-2-1005 (2022)

Records—

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Records relating to sexual harassment shall be maintained by the Title IX Coordinator in a confidential manner and shall be kept for a period of at least 7 years.

The Title IX Coordinator shall create a record regarding each instance when the District has actual knowledge of sexual harassment (that is, when the District is required to respond in some way). This record shall include any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, shall document the basis for the conclusion that the District's response was not deliberately indifferent, and shall document that the District has taken measures designed to restore or preserve equal access to the District's education program or activity. If a complainant was not provided with supportive measures, then the Title IX Coordinator must document the reasons why that was not clearly unreasonable in light of the known circumstances.

In addition to the records in the prior paragraph, the Title IX Coordinator shall maintain records regarding each sexual harassment investigation, any disciplinary sanctions imposed, any remedies provided to the complainant designed to restore or preserve equal access to the District's program or activity, and regarding any appeal (including the result).

34 CFR § 106.45(b)(10)

Dissemination of Policy—

Notice of this policy and of the name and contact information of the Title IX Coordinator shall be provided to applicants for admission or for employment, students, parents of students, employees, and employee associations. The contact information for the Title IX Coordinator shall be prominently displayed on the District's website and in student admission materials and employment application materials. In addition, a copy of this policy shall be published on the District website and included in student admission materials, in employment application materials, in student handbooks, and in materials provided to employees. A copy of this policy shall also be provided to the appropriate officer of each employee association.

34 CFR § 106.8(b)(2), (c)

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Safe Schools
Discipline of Students with Disabilities

[Note: Most school districts have adopted policies regulating discipline of students with disabilities in conformity with the requirements of IDEA. A school may choose to follow the previously adopted policy, making reference to that policy, rather than including this section in the Safe Schools policy.]

Discipline Procedures for Students with a Disability—

Federal and state laws restrict disciplining a student for conduct which is a manifestation of a disability. Therefore, where a student who has been identified as eligible for special education services engages in conduct which is a violation of school rules or is conduct subject to discipline under this general policy, additional procedures may apply. If the student has not previously been identified as eligible for special education, but asserts that he or she should receive the procedural protections, application of the procedural protections will depend on the criteria set forth below.

Identified Students with a Disability Change of Placement for Disciplinary Reasons—

For purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs if:

1. The removal is for more than ten (10) consecutive school days.
2. The student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten (10) school days in a school year, because the student's behavior is substantially similar to behavior in prior incidents resulting in removal, and because of additional factors such as the length of each removal, the total amount of time each student is removed, and the proximity of the removals to one another. The District shall determine whether a pattern of removals constitutes a change in placement on a case-by-case basis.

34 CFR § 300.536
Utah Admin. Rules R277-750-2 (November 6, 2020)
State Board of Education Special Education Rules V.D.

Removals—

1. Ten (10) School Days or Less
   a. Short-term suspension
      i. To the extent removal would be applied to students without disabilities, a principal may remove a student with a disability who violates the code of

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student conduct found in Policy FHA from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) school days without implicating any of the additional IDEA safeguards.

Utah Admin. Rules R277-750-2 (November 6, 2020)
State Board of Education Special Education Rules V.B.2.
34 CFR § 300.530
20 U.S.C. § 1415(k)(1)(B)

2. Change in Placement: Removals for More than Ten (10) School Days
   a. Long-term suspension or expulsion.
      i. Any suspension of a student with a disability for more than ten (10) days constitutes a change in placement, as does a change in the student's educational program (classroom assignment) for disciplinary reasons. Prior to a change in placement, parents of the student must be notified of the proposed change and provided the procedural safeguards notice described in the state's Special Education Rules, and the student's IEP team and other qualified personnel must conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to the disciplinary action. The manifestation determination review must take place immediately, if possible, but in no case later than ten (10) school days after the date on which the decision to take action was made.

34 CFR § 300.530

Manifestation Determination—

Within ten (10) days of any decision to change the placement of the student with a disability because of a violation of the code of student conduct, the school, the parent or guardian, and relevant members of the IEP Team (as determined by the parent/guardian and school) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided to the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. If the conduct in question was the direct result of the school's failure to implement the IEP.

If the school, the parent or guardian, and relevant members of the IEP Team determine that either section one (1) or (2) above is applicable to the student, the conduct shall be determined to be a manifestation of the student's disability.

1. If the IEP Team determines that the student's disruptive behavior is a manifestation of the disability or the result of inappropriate placement, the student may not be disciplined for the conduct. If the student's behavior indicates an inappropriate placement, the IEP Team shall review the

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placement and recommend alternatives. If the IEP Team determines that the behavior was a manifestation of the disability, it shall either rewrite the IEP to address the student's behavioral and educational needs or, when appropriate, consider the extension of an emergency removal.

2. If the IEP Team determines that the conduct is not a manifestation of the disability or a result of inappropriate placement, then the student may be disciplined under the same standards as are applied to non-disabled students. Provided, however, that if the student is suspended for more than 10 days in a given school year, the District still must provide services to the disabled student to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. The IEP Team shall determine the instructional and related services to be provided during the time of suspension. The student's IEP shall include goals and objectives designed to assist in returning the student to school and preventing significant regression.
3. If the student's parent or guardian disagrees with the IEP Team's manifestation determination, or regarding decisions for the student's placement, the parents may request a due process hearing pursuant to the policies governing students with disabilities.

34 CFR § 300.121
34 CFR § 300.530(e)
Utah Admin. Rules R277-750-2 (November 6, 2020)
State Board of Education Special Education Rules V.E.

Students Not Identified as Eligible for Special Education—

If a student who has not been previously identified as eligible for special education services, or the student's parents, assert that the student is entitled to the special discipline procedures applicable to students with disabilities, then those procedures shall apply to the student if any of the following conditions are satisfied, subject to paragraph 4 below:

1. The student's parent or guardian has previously expressed in writing to the student's teacher or to supervisory or administrative personnel of the District that the student needs special education services.
2. The student's parent or guardian has previously requested that the student be evaluated for eligibility for special education services.
3. The student's teacher or other school personnel have previously expressed specific concerns about a pattern of behavior demonstrated by the student to the special education director of the school or to other supervisory personnel.
4. If, prior to the conduct for which discipline is contemplated, (a) the student's parent has not allowed an evaluation of the student for eligibility for special education services, (b) the student's parent refused special education services for the student, or (c) the District evaluated the student and

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determined that the student was not a child with a disability, then the special discipline procedures for students with disabilities shall not apply to the student, and the student shall be disciplined in accordance with the procedures for non-disabled students.

If, during the period of time in which a student is subject to disciplinary sanctions, the student's parent or guardian requests that the student be evaluated for eligibility for special education services, an evaluation shall be conducted on an expedited basis. Until the evaluation is complete, the student's educational placement shall remain the same (if the child has been suspended or expelled, for example, the suspension or expulsion shall remain in effect).

34 CFR § 300.534
Utah Admin. Rules R277-750-2 (November 6, 2020)
State Board of Education Special Education Rules V.J.

Removal of Disabled Students for Specific Conduct—

In the following circumstances, regardless of whether the student's action was a manifestation of the student's disability, the student may be placed in an interim alternative educational setting for a period to be determined but not to exceed 45 days.

1. The student carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the District;
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 function under the jurisdiction of the District;
3. The student has inflicted serious bodily injury on another person while at school, on school premises, or at a school function under the jurisdiction of the District.

For purposes of determining if the applicable circumstances are present, the following definitions apply:

1. "Controlled substance" means a drug or other substance that cannot be distributed without a prescription, identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. § 812(c)).
2. "Illegal drug" means a controlled substance but does not include a drug controlled, possessed, or used under the supervision of a licensed health-care professional or one legally possessed or used under state or federal law.
3. "Serious bodily injury" means bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. It excludes a cut, abrasion, bruise, burn, disfigurement, physical pain, illness, or a temporary impairment of the function of a bodily member, organ or mental faculty.

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4. "Weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for or is readily capable of, causing death or serious bodily injury. It excludes a pocket knife with a blade of less than 2.5 inches.

34 CFR § 300.530(g)
Utah Admin. Rules R277-750-2 (November 6, 2020)
State Board of Education Special Education Rules V.E.5.

If the circumstances warranting an interim alternative educational setting are present, then:

1. The appropriate interim alternative educational setting shall be determined by the IEP Team.
2. If the student's parent or guardian requests a due process hearing, the student shall remain in the alternative educational setting during the pendency of any due process proceedings unless the parents and the special educational coordinator agree otherwise.
3. The IEP Team must convene prior to the end of the period of removal to the alternative educational setting to determine the least restrictive environment in which the student may be placed when the period of removal is concluded.

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Safe Schools
Disruptive Student Behavior

Disruptive Student Behavior—

It is a violation of District policy for a student to engage in disruptive student behavior. Disruptive student behavior includes:

1. Frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
2. Willful destruction or defacing of school property;
3. Behavior or threatened behavior which 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;
4. Illicit use, possession, or distribution of a controlled substance, drug paraphernalia, a tobacco product, an electronic cigarette product, or an alcoholic beverage;
5. 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.
6. Behavior listed below which threatens harm or does harm to the school or school property, or to a person associated with the school, or property associated with that person, regardless of where it occurs; as well as violation listed below that affect another student or staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
   a. the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
   b. the actual or threatened use of a look-alike weapon with intent to intimidate another person or to disrupt normal school activities; or
   c. the sale, control, or distribution of a drug or controlled substance as defined in Utah Code § 58-37-2, an imitation controlled substance defined in Utah Code § 58-37b-2, or drug paraphernalia as defined in Utah Code § 58-37a-3.
7. Hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

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Utah Code § 53G-8-210 (2020)
Utah Code § 53G-8-209 (2020)

Notice of Disruptive Student Behavior—

A school principal or the principal's designee shall issue a Notice of Disruptive Student Behavior to a student, nine years of age or older, who:

1. Engages in disruptive student behavior, which does not result in suspension or expulsion, three times during the school year; or
2. Engages in disruptive student behavior, which results in suspension or expulsion, once during the school year.

The Notice of Disruptive Student Behavior shall:

1. Include a list of available resources, including a school counselor or other school representative designated to work with the student, to assist the parent in resolving the student's disruptive behavior problem before the student becomes subject to the jurisdiction of the juvenile court as discussed below;
2. Require the student and a parent of the student to meet with school authorities to discuss the student's disruptive behavior and cooperate in correcting the disruptive student behavior;
3. Outline the procedure the parent can follow to contest the notice of disruptive student behavior; and
4. Shall be mailed by certified mail to, or served on, the parent of the student.

Utah Code § 53G-8-210 (2020)
Utah Admin. Rules R277-609-10 (August 25, 2021)

A copy of the Notice of Disruptive Student Behavior and any related documentation shall be retained by the school as documentation regarding the notice.

Habitual Disruptive Student Behavior Notice—

A habitual disruptive student behavior notice may only be issued by the school principal, a designee of the school principal, or a truancy specialist, to a student, nine years or age or older, who:

1. Engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;
2. Engages in disruptive student behavior, that (A) does not result in suspension or expulsion, at least three times during the school year; and (B) that results in suspension or expulsion, at least once during the school year; or
3. Engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district shall provide documentation,

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to a parent of the student who receives the notice, of the efforts to attempt to resolve the minor's disruptive student behavior problems made by the designated school counselor or representative identified in the notice of disruptive student behavior.

Utah Code § 53G-8-210 (2020)

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Safe Schools
Emergency Safety Interventions

This policy governs the use of emergency safety interventions, which are used to address situations where a student presents an immediate danger (to self or others) but which are not used for disciplinary purposes.

Definitions—

"Emergency safety intervention," or "ESI," means the use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others, and the intervention is not for disciplinary purposes.

"Seclusionary time out" means that a student is:

1. Placed in a safe enclosed area by school personnel (the area must meet applicable health department and fire marshal regulations);
2. Purposefully isolated from adults and peers; and
3. Is prevented from leaving (or reasonably believes that the student will be prevented from leaving) the enclosed area.

"Physical restraint" means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.

"Immediate danger" means the imminent danger of physical violence or aggression towards self or others which is likely to cause serious physical harm.

Utah Code § 53G-8-301(3) (2018)
Utah Admin. Rules R277-609-2(4), (8), (11), (21) (August 25, 2021)

Emergency Safety Intervention—

An emergency safety intervention is using seclusionary time out or physical restraint when a student presents an immediate danger to self or others (not for disciplinary purposes). The District shall implement policies and procedures for the use of emergency safety interventions for all students which are consistent with evidence-based practices.

Physical restraint as part of an emergency safety intervention may not be used with a student except within the guidelines stated below under Physical Restraint. Mechanical restraint may not be used as part of an emergency safety intervention, except those which are protective, stabilizing or required by law, or any device used by a law enforcement officer in carrying out law enforcement duties, including seatbelts or any other safety equipment when used to secure students during transportation. Chemical restraint may not be used as part of an emergency safety intervention, except as prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition;

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and administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law.

Seclusionary time out as part of an emergency safety intervention may not be used with a student except when a student presents an immediate danger of serious physical harm to self or others and within the guidelines stated below under Seclusionary Time Out.

For a student with a disability, emergency safety interventions may not be written into a student's individualized education program as a planned intervention unless school personnel, the family, and the IEP team agree less restrictive means have been attempted to address the qualifying circumstances (that is, circumstances where the student presents an imminent danger of physical violence or aggression towards self or others which is likely to cause serious physical harm) have been attempted, a functional behavior analysis has been conducted, and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

Utah Admin. Rules R277-609-4(3)(l) (August 25, 2021)
Utah Admin. Rules R277-609-5 (August 25, 2021)

Physical Restraint—

Physical restraint may only be used when a student presents a danger of serious physical harm to self or others. It may not be used as a means of discipline or punishment. The student may not be placed in a prone (face-down) or supine (face-up) position in physical restraint. No restraint may be used which obstructs the airway of a student or which adversely affects a student's primary mode of communication.

All physical restraint must be immediately terminated when the student either (a) is no longer an immediate danger to self or others, or (b) is in severe distress. The restraint must be for the minimum time necessary to ensure safety and the District's release criteria must be implemented. However, before stopping, releasing, and reassessing, a student may not be physically restrained for more than the shortest of: 30 minutes; the time described in the District's emergency intervention training program; or when law enforcement arrives.

Utah Admin. Rules R277-609-4(3)(l)(i) (August 25, 2021)
Utah Admin. Rules R277-609-5(3) (August 25, 2021)

Seclusionary Time Out—

A seclusionary time out may only be used for purposes of maintaining safety and may not be used as a means of discipline or punishment. Seclusionary time out shall be used for the minimum time necessary to ensure safety and shall end according to the District's release criteria. However, a student may not be placed in seclusionary time out for more than 30 minutes. In using seclusionary time out, any door must remain unlocked and the student must be maintained within line of sight of the employee using the seclusionary time out and the employee must confirm that the area meets applicable fire and public safety regulations.

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Utah Admin. Rules R277-609-4(3)(l)(vii) (August 25, 2021)
Utah Admin. Rules R277-609-5(5), (7) (August 25, 2021)

Parental Notice—

When an ESI (physical restraint or seclusionary time out) is used to protect the student or others from harm, a school shall notify the student's parent as soon as reasonably possible and in any event before the student leaves the school. The school shall also notify the administration and provide documentation of the ESI to the ESI Committee. If an ESI is used for more than 15 minutes, the school shall provide a second notice to the student's parent and to the administration.

The notice provided shall be documented in the student information system records.

The school shall, upon his or her request, provide to the student's parent or guardian a copy of any notes or additional documentation taken during an ESI. Within 24 hours of an ESI, the school shall notify the student's parent or guardian that such a request may be made. A student's parent or guardian may request a time to meet with school staff and administration to discuss the use of an ESI.

Utah Admin. Rules R277-609-4(3)(l) (August 25, 2021)
Utah Admin. Rules R277-609-5(2), (6), (8) (August 25, 2021)
Utah Admin. Rules R277-609-8(3), (4) (August 25, 2021)
Utah Admin. Rules R277-609-10(3), (4) (August 25, 2021)

ESI Committee—

The District shall establish an Emergency Safety Intervention (ESI) Committee with members appointed by the Superintendent and consisting of two or more administrators, at least one parent or guardian of a student enrolled in the District, and at least two certified educational professionals with behavior training and knowledge of state rules and District discipline policies.

The ESI Committee shall meet often enough to monitor the use of emergency safety intervention in the District, shall determine and recommend professional development needs relating to emergency safety intervention, shall develop policies for local dispute resolution processes to address concerns regarding disciplinary actions, and shall ensure that each emergency incident where a school employee uses an ESI is documented in the District's student information system and is reported to the State Superintendent through UTREx.

The District shall collect, maintain, and periodically review documentation and other records of the use of emergency safety interventions at schools within the District, according to procedures defined by the State Superintendent of Public Instruction. Such documentation and records shall be provided annually by June 30 to the State Superintendent. In addition, the District shall submit all required UTREx discipline data and incident or infraction data elements as part of the District's daily UTREx submission.

Utah Admin. Rules R277-609-7 (August 25, 2021)
Utah Admin. Rules R277-609-8 (August 25, 2021)

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Safe Schools
Tobacco and Electronic Cigarettes

Definitions—

1. "Electronic cigarette" means any electronic oral device that provides an aerosol or a vapor of nicotine or other substance and which simulates smoking through its use or through inhalation of the device, including but not limited to an oral device that is composed of a hearing element, battery, or electronic circuit and marketed, manufactured, distributed as an e-cigarette, e-cigar, e-pipe, or any other name or description if the function of the product meets this definition. It also includes a component of such a device or an accessory sold in the same package as the device. It does not include a medical cannabis device as defined by Utah Code § 26-61a-102.

   Utah Code § 76-10-101(4) (2022)

2. "Electronic cigarette substance" means any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.

   Utah Code § 76-10-101(6) (2022)

3. "Electronic cigarette product" means an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette.

   Utah Code § 53G-1-103 (2020)
   Utah Code § 76-10-101(5) (2022)

4. "Prefilled electronic cigarette" means an electronic cigarette that is sold prefilled with an electronic cigarette substance.

   Utah Code § 76-10-101(14) (2022)

5. "Nicotine product" means an alternative nicotine product or a nontherapeutic nicotine product as defined by Utah Code § 76-10-101.

   Utah Code § 76-10-101(9) (2022)

Tobacco—

Students may not possess, use, or distribute tobacco or tobacco products on school property or during any school activity (whether or not it takes place on school property).

Utah Code § 53G-8-209(2) (2020)
Utah Code § 53G-8-210(1)(a)(ii) (2020)

Nicotine Products—

Students may not possess, use, or distribute any nicotine product on school property or during any school activity (whether or not it takes place on school property).

Utah Code § 53G-8-209(2) (2020)
Utah Code § 53G-8-210(1)(a)(ii) (2020)

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Electronic Cigarette Products—

Students may not possess, use, or distribute any electronic cigarette product on school property or during any school activity (whether or not the activity takes place on school property). Students violating this prohibition are subject to discipline under Policy FHA and to action under Policy FF Student Activities and under Policy FHAE Safe Schools: Disruptive Student Behavior.

Utah Code § 53G-8-203(3)(b) (2020)
Utah Code § 53G-8-209(2) (2020)
Utah Code § 53G-8-210(1)(a)(ii) (2020)

Confiscation and Disposal of Electronic Cigarette Products—

Any electronic cigarette product found in the possession or control of a student on school property or at a school activity (including such products found in student lockers, desks, or similar locations) shall be confiscated by staff and shall be destroyed or otherwise disposed of. However, if the electronic cigarette product is suspected to contain illegal controlled substances or to be used to consume illegal controlled substances, a school administrator may release the product to law enforcement upon request of law enforcement as part of an investigation or action rather than destroying or destroying the confiscated product. (For purposes of this exception, nicotine or other tobacco derivatives are not considered illegal controlled substances.)

Utah Code § 53G-8-203(3)(b), (c) (2020)
Utah Code § 53G-8-508(2) (2020)

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Student Courts

Board Directive—

The Board of Education has determined that it is in the best interest of the school district to establish the opportunity for students to participate in student courts to resolve issues of a limited nature. The purpose of this policy is to state the issues that may be addressed by student courts and to establish court procedure and jurisdiction.

Delegation of Authority—

The Board hereby delegates limited authority to conduct hearings to student courts. Student courts shall have the authority to act for the Board as first level hearing officers. All decisions by student courts shall be final for those participants who have elected to participate in the student court system, unless the school principal finds the student court's decision to be arbitrary and capricious, in which event the principal shall make an alternative decision which is binding upon the students.

Matters Which May Be Decided by Student Court—

Student courts are hereby delegated authority to resolve only those issues arising out of actions by students which may result in a suspension from school for less than 10 days. Student courts may not resolve issues related to suspensions for more than 10 days, which may require school transfer, or which involve actions under the safe school policy. In addition, student courts shall be open to address grievances of one student against another student that do not involve a school suspension.

Members of the Student Court System—

Student court judges shall be students who have been appointed by educators in the school where the students attend. A supervising educator shall be appointed to administer the student courts. A panel of 3 student judges shall be picked by a randomizing method from a pool of at least 9 student judges. A possible method is to put all of the names of student judges in a container and three names shall be drawn at random by the supervising educator.

Initiating a Complaint—

Any student who is subject to being suspended from school for less than 10 days shall be entitled to seek review of the decision to suspend by filing a grievance in writing with the supervising educator requesting review of the matter by a student court. In addition, any student having a grievance against another student may also file a written statement of grievance requesting review by a student court. A grievance is filed by delivering to the supervising educator in the school attended by the student a written statement requesting review by a student court of the decision to suspend providing a written statement of the cause of the grievance and identifying any witnesses that the grievant desires to

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have in attendance at a hearing. When feasible, a hearing shall be convened as soon as practicable, usually within two days after receiving notice. The supervising educator shall notify the grieving student, all witnesses, the student judges and, if a student has been identified in the grievance as the person against whom the grievance is filed, then that person also shall be notified of the time and place of the hearing. Witnesses and students against whom grievances are filed shall not be compelled to attend if they choose not to participate in the student court process.

Hearings—

All hearings shall be held at times that do not interfere with classroom instruction or school programs and activities. The hearing shall be conducted by the panel of three (3) student judges. The student participants do not have a right to representation or counsel from others in the hearing. Hearings shall be recorded.

If the hearing involves suspension of a student, then educators who have investigated the matter shall first state why the student was suspended and present documents and other evidence to support the decision to suspend. Thereafter the student shall be given an opportunity to make a statement, present witness and other evidence.

If the hearing involves a grievance against another student, then the grieving student shall have an opportunity to present his or her side of the case first, with panel judges conducting any interrogation they deem necessary to learn facts of the matter. The grieving student may call witnesses to make statements and answer questions and present any documents or other evidence they deem appropriate that is relevant to the matter before the student court. Thereafter, the student against whom the grievance is filed, if any, may make statements, call witnesses and prevent other evidence.

A decision of the panel must be decided by at last two of the three student judges sitting on the panel. The decision of the student panel of judges shall be rendered immediately and a written statement of the decision shall be delivered to the school principal within 24 hours. The school principal shall give effect to the decision of the student panel unless, upon review of the record created in the hearing, the principal deems the decision to be arbitrary and capricious, in which event the principal shall make an alternative decision which is binding upon the students.

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Notification Received from Juvenile Courts

Superintendent to Notify Principal—

Within three days of receiving a notification from juvenile court or a law enforcement agency that a student of the district has been taken into temporary custody or admitted to a detention facility for a violent felony as defined by Utah Code § 76-3-203.5 or a violation of Utah Code Title 76, Chapter 10, Part 5, Weapons, the superintendent shall notify the principal of the school that the juvenile attends or last attended. The superintendent shall inform the principal:

1. The name of the student;
2. The offense for which the student was taken into temporary custody or admitted to detention; and
3. If available, the name of the victim, if the victim is a student of the District and:
    a. Resides in the District; or
    b. Attends the same school as the student in custody.

Within three days of receiving a notification that a student of the District has been adjudicated for an offence of violence or an offense in violation of Utah Code Title 76, Chapter 10, Part 5, Weapons, the superintendent shall notify the principal of the school that the student attends or last attended. The superintendent shall inform the principal:

1. The name of the student;
2. The offense for which the student was adjudicated;
3. If available, the name of the victim, if the victim is a student of the District and:
    a. Resides in the District; or
    b. Attends the same school as the student in custody.

Within three days of receiving notification of a juvenile court's disposition and orders following a detention hearing for a student of the District who is alleged to have committed a violent felony as defined by Utah Code § 76-3-203.5 or a violation of Utah Code Title 76, Chapter 10, Part 5, Weapons, the superintendent shall inform the principal of the court's disposition and orders.

Upon receipt of the information from the superintendent, the principal shall make a notation in a secure file other than the student's permanent file and shall, with the school multidisciplinary team established under Policy CEB, use the information to assess the level of threat the student poses, including potential for self-harm, suicide ideation, harm to others, or harm to school property. In making

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this assessment, the principal and multidisciplinary team shall use an evidence-based threat assessment approved by the State Board of Education.

Utah Code § 53G-8-402 (2021)
Utah Code § 53G-8-403 (2018)
Utah Code § 80-6-102(20) (2022)
Utah Code § 80-6-103 (2021)
Utah Admin. Rules R277-736-3(1) to (3) (June 22, 2020)

Dissemination of Information to School Staff—

The principal and multidisciplinary team shall determine, based on the level of threat posed by the student, the appropriate school staff who should receive the information about the student. In cases where the information demonstrates possible imminent harm to the student or others, the principal may share information as necessary to ensure the safety of the student, the victim, and the school's general population without first consulting with the multidisciplinary team. In determining what information should be shared and which staff members should receive the information, the principal and multidisciplinary team should share only the information and data needed to ensure the safety of the student, the victim, and the school's general population.

Utah Admin. Rules R277-736-3(1), (4), (5) (June 22, 2020)

The superintendent, principal, and any other staff member notified by the principal shall not intentionally cause the information to become public knowledge.

Action Against Student Based on Information—

Any action taken against a student based on the information received must be consistent with restorative justice practices. (*See* Policy FGAD.)

Utah Admin. Rules R277-736-3(6) (June 22, 2020)

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Relations with Governmental Agencies and Local Governmental Authorities

Taken into Custody—

The District shall permit a student to be taken into custody:

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer if there are reasonable grounds to believe the student has engaged in delinquent conduct or conduct in need of supervision.
4. By a probation officer if there are reasonable grounds to believe the student has violated a condition of probation imposed by the juvenile court.
5. By an authorized representative of the Utah Department of Social Services, a law enforcement officer, or a juvenile probation officer, without a court order under conditions relating to the student's physical health or safety or the physical health or safety of others.

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Student Fees, Fines, and Charges

Definitions—

As used in this policy, the following definitions apply.

1. "Fee" means (a) something of monetary value (b) requested or required as a condition to a student's participation (c) in an activity, class, or program which is provided, sponsored, or supported by a school. It includes money or something of monetary value raised by a student or the student's family through fundraising.

   Utah Code § 53G-7-501(6) (2020)
   Utah Admin. Rules R277-407-2(4) (November 10, 2020)

   a. "Something of monetary value" means a charge, expense, deposit, rental, fine, or payment (regardless of how it is described) in the form of money, goods, or services, whether it is directly or indirectly requested or required.

      Utah Admin. Rules R277-407-2(19)(a) (November 10, 2020)

      For example, it includes:

      i. Charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;

      ii. Payments to a third party providing a part of a school activity, class, or program;

      iii. Supplies (classroom or student) or materials;

      iv. A fine, unless that fine is within the scope of the definition in Non-Fee Charges, below.

      Utah Code § 53G-7-501(6) (2020)
      Utah Admin. Rules R277-407-2(19)(b) (November 10, 2020)

   b. "Requested or required as a condition of a student's participation" means impliedly or explicitly mandated or necessary for a student, parent, or family to provide so that a student may:

      i. Fully participate in school or in a school activity, class, or program;

      ii. Successfully complete a school class for the highest grade; or

      iii. Avoid a direct or indirect limitation on full participation in a school activity, class, or program, including limitations created by:

         1. Peer pressure, shaming, stigmatizing, bullying, or the like; or

         2. Withholding or curtailing any privilege that is otherwise provided to any other student.

      Utah Admin. Rules R277-407-2(16) (November 10, 2020)

   c. "Provided, sponsored or supported by a school" means an activity, class, program, fundraiser, club, camp, clinic, or other event that:

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i. Is authorized by the District or a District school, according to Board policy; or

ii. Satisfies at least one of the following conditions:

1. It is managed or supervised by the District, a District school, or a District employee in the capacity of their District employment;
2. It uses, more than inconsequentially, District or a District school's facilities, equipment, or other resources; or
3. It is supported or subsidized, more than inconsequentially, by public funds, including school activity funds or minimum school program dollars.

iii. Is not a noncurricular club as defined by Policy FG.

Utah Admin. Rules R277-407-2(13) (November 10, 2020)

This definition applies regardless of the time or season of the activity, class, or program (for example, summer camps or clinics are sponsored by a school if the foregoing requirements are met).

Utah Admin. Rules R277-407-4(4) (November 10, 2020)

2. "Student supplies" means items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities.

i. It includes pencils, paper, notebooks, crayons, scissors, basic clothing for healthy lifestyle classes, clothing that is commonly found in students' homes, and similar personal or consumable items over which a student retains ownership.

ii. It excludes any such items if, to create a uniform appearance not related to basic function, the school imposes specific requirements such as brand, color, or a special imprint.

Utah Code § 53G-7-501(8)(b) (2020)
Utah Admin. Rules R277-407-2(20) (November 10, 2020)

3. "Textbook" means instructional material necessary for participation in an activity, course or program, regardless of the format of the material. It excludes instructional equipment and instructional supplies. It includes:

a. hardcopy book or printed pages of instructional material, including a consumable workbook;

b. computer hardware, software, or digital content; and

c. the maintenance costs of school equipment.

Utah Code § 53G-7-501(12) (2020)

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Utah Admin. Rules R277-407-2(24) (November 10, 2020)
Utah Code § 53G-7-601(5) (2020)

4. "Instructional equipment" means an activity, course, or program-related tool or instrument that is required for a student to use as part of an activity, course, or program in a secondary school, typically becomes the property of the student upon exiting the activity, course, or program, and is subject to fee waiver. This excludes school equipment. This includes:
   a. Shears or styling tools;
   b. A band instrument;
   c. A camera;
   d. a stethoscope; and
   e. sports equipment, including a bat, mitt, or tennis racquet.

   Utah Code § 53G-7-601(2) (2020)
   Utah Admin. Rules R277-407-2(8) (November 10, 2020)

5. "Instructional supply" means a consumable or non-reusable supply that is necessary to a student to use as part of an activity, course, or program in a secondary school, including:
   a. Prescriptive footwear;
   b. Brushes or other art supplies, including clay, paint, or art canvas;
   c. Wood for wood shop;
   d. Legos for Lego robotics;
   e. Film; and
   f. Filament used for 3D printing.

   Utah Code § 53G-7-601(3) (2020)
   Utah Admin. Rules R277-407-2(9) (November 10, 2020)

6. "School equipment" means a durable school-owned machine, equipment, or tool used by a student as part of an activity, course, or program in a secondary school, including for example a saw or 3D printer.

   Utah Code § 53G-7-601(4) (2020)
   Utah Admin. Rules R277-407-2(18) (November 10, 2020)

7. "School day" or "regular school day" means the same as "school day" is defined in Utah Administrative Code R277-419-2.

   Utah Admin. Rules R277-407-2(15), (17) (November 10, 2020)
   Utah Admin. Rules R277-419-2(30) (March 15, 2022)

8. "Co-curricular activity" means an activity, course, or program, outside of school hours, that also includes a required regular school day program or curriculum and which is: an extension of a curricular activity, included in an instructional plan, and conducted by a teacher or education professional.

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Utah Code § 53G-7-501(1) (2020)
Utah Admin. Rules R277-407-2(1) (November 10, 2020)

9. "Curricular activity" means an activity, course, or program which is intended to provide instruction, is sponsored by a District school, and is conducted only during school hours.

Utah Code § 53G-7-501(2) (2020)
Utah Admin. Rules R277-407-2(2) (November 10, 2020)

10. "Extracurricular activity" means an activity or program for students, outside of the regular school day, that is provided, sponsored or supported by the District or a District school but is neither:

    a. Directly related to delivering instruction; nor

    b. A curricular activity or a co-curricular activity.

Utah Code § 53G-7-501(5) (2020)
Utah Admin. Rules R277-407-2(3) (November 10, 2020)

Non-Fee Charges—

Certain items of monetary value provided in connection with students and schools are not considered fees.

Student Fines

A student fine is not a fee if it is specifically approved by the District and is imposed for one of the following:

1. Failing to return school property;
2. Losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior; or
3. Improper use of school property (including a parking violation).

Utah Code § 53G-8-212 (2021)
Utah Admin. Rules R277-407-2(19)(b)(iv) (November 10, 2020)

When fines have been assessed to a student for damaging or losing school property, the school shall not exclude the student from school for nonpayment but may withhold a transcript or diploma to obtain payment of such charges pursuant to the Board policy regarding defacing or damaging school property. However, a school may not withhold student records which are required for student enrollment or placement in a subsequent school. In addition, if the Department of Human Services or a licensed child-placing agency has been granted custody of the student, that student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages.

Utah Code § 53G-8-212 (2021)
Utah Admin. Rules R277-407-8(11), (12) (November 10, 2020)

Student Records

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

Utah Admin. Rules R277-407-6(10)(b), (c) (November 10, 2020)

Non-Waivable Charges

A cost, payment, or expenditure that falls into one of the following categories is not a fee.

1. A personal discretionary charge or purchase, including:
   a. A charge for insurance, unless the insurance is required for a student to participate in a school activity, class, or program;
   b. A charge for college credit relating to successful completion of a concurrent enrollment class or an advanced placement examination; or
   c. A charge for a personal consumable item such as a yearbook, class ring, letterman jacket or sweater, or other similar item (unless requested or required by the school or District).
2. A charge which is subject to sales tax.
3. Payment for a school uniform unless the uniform policy requires clothing that is expensive or prescriptive. (*See* Policy FK.)
4. A charge for school lunch or breakfast.
5. A deposit that is a pledge securing the return of school property which is refunded upon return of the property.
6. A charge for a replacement for damaged or lost school equipment or supplies.

Utah Admin. Rules R277-407-2(12) (November 10, 2020)
Utah Admin. Rules R277-407-3(9) (November 10, 2020)
Utah Code § 53G-7-501(6)(c), (9) (2020)

Additional Discretionary Projects

In project-related courses, projects required for course completion shall be included in the course fee. However, a student may be required to provide materials or to pay for an additional discretionary project if the student chooses a project in lieu of or in addition to a required classroom project. This requirement is not considered a fee. However, the school may not require such an additional project as a condition for enrolling, completing, or receiving the highest possible grade for a course. (Such requirements would result in the project being a fee.) Schools shall avoid allowing high cost additional projects, particularly where authorization of an additional discretionary project results in pressure on a student by teachers or peers to also complete a similar high cost project.

Utah Admin. Rules R277-407-3(5) (November 10, 2020)

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Donations of Supplies to an Elementary School

An elementary school or elementary school teacher may compile and provide to a student's parent a suggested list of student supplies for use during the regular school day so that a parent may furnish, on a voluntary basis, those supplies for student use. Such a list 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."

Utah Admin. Rules R277-407-3(1)(c), (6) (November 10, 2020)
Utah Code § 53G-7-503(2)(b), (c) (2021)

Donations

For a donation not to be a fee, it must not affect the participation of an individual student. Donations are generally governed by Policy GF. Donations or contributions may be invited on forms provided to parents of students but must clearly state that donations and contributions are voluntary and are not required for participation in an activity or class.

Utah Admin. Rules R277-407-7(1) (November 10, 2020)

Students and families may be notified that they may voluntarily pay an increased fee amount or provide a donation to cover the costs of other students and families. Any such payments are considered donations and are not fees. In order to accept such payments, schools shall require that the payment be clearly designated as made for the purpose of covering the costs of other students.

Utah Admin. Rules R277-407-8(2)(b) (November 10, 2020)

Authorizing Fees—

No fee may be charged by the District, a District school, or any District officer or employee unless the fee has been authorized by the Board as required in this policy and applicable law. This includes any and all fees as defined in this policy, including those related to curricular, co-curricular, and extracurricular activities.

Utah Code § 53G-7-503(1) (2021)
Utah Code § 53G-7-505 (2019)
Utah Admin. Rules R277-407-3(2) (November 10, 2020)
Utah Admin. Rules R277-407-6(1) (November 10, 2020)

Process to Adopt Fee Policies and Schedules

The Board shall annually adopt fee policies and a fee schedule in a public meeting held on or before April 1. The Board shall consult with stakeholders and shall encourage public participation in the development of the fee schedule and of waiver policies. Before taking action to approve the policies and fee schedule, the Board shall provide the opportunity for public comment on the proposed fee schedule during at least two public Board meetings. In addition to the notice required

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for a regular Board meeting, the Board shall provide notice of these meetings using the same form of communication regularly used by the District to communicate with parents (such as email, text, flyer, or phone call).

Utah Code § 53G-7-505(2) (2019)
Utah Admin. Rules R277-407-6(2) (November 10, 2020)

After the annual adoption of the fee schedule, the Board may amend the fee schedule by following the process described in the preceding paragraph (other than the April 1 deadline).

Utah Admin. Rules R277-407-6(3) (November 10, 2020)

The Board shall annually review the District's policies on fees, waivers, fundraising, and donations.

Utah Admin. Rules R277-407-15(3) (November 10, 2020)

Fee Schedules

A fee must be included in the Board approved fee schedule in order to be charged. The fee schedule shall include the specific amount for each fee and a spending plan for each fee. The spending plan shall provide transparency to students, parents, and employees by identifying the uses of a fee. The spending plan shall identify the needs for which the fee is being charged and include a list or description of the anticipated types of expenditures (either during the current fiscal year or as carryover for use in a future year) that are funded by the fee. The fee schedule shall include the maximum fees allowed per activity and per student. If there are multiple fees related to one activity, class, or program, the fee schedule shall include an easy to understand delineation of each of the fees and the fee total for the activity, class, or program. The fee schedule shall also include the District's fee waiver policy, including an easily understandable statement informing a parent that a student may be eligible to have one or more fees waived and may appeal a denial of a requested waiver. By July 1, 2020, the Board shall determine whether each fee on its approved fee schedule is curricular, co-curricular, or extracurricular.

Utah Code § 53G-7-503(5)(a) (2021)
Utah Code § 53G-7-505(3)(a) (2019)
Utah Admin. Rules R277-407-6(1)(c) (November 10, 2020)
Utah Admin. Rules R277-407-13(2)(a), (3) (November 10, 2020)

Notice of Fee Policies and Schedules

The District shall provide annual written notice to a parent of each student attending school in the District of the current and applicable fee waiver policies and fee schedules. The District shall annually publish the fee waiver policies and fee schedules on each school's publicly available website and shall include a copy of these materials in registration materials (including providing them to a parent of a student who enrolls after the initial enrollment period). The written notice shall be in a form approved by the State Board of Education and shall also include:

1. For elementary schools:

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a. School Fees Notice for Families of Students in an Elementary School
b. Fee Waiver Application (Elementary School)
c. Fee Waiver Decision and Appeal Form
d. School fees poster for elementary school

2. For secondary schools:
   a. School Fees Notice for Families of Students in Grades Seven Through Twelve
   b. Fee Waiver Application (Secondary School)
   c. Fee Waiver Decision and Appeals Form
   d. School fees poster for secondary school

Utah Code § 53G-7-505(3)(b) (2019)
Utah Admin. Rules R277-407-6(6), (7), (8) (November 10, 2020)

If the District's parent or student population in a single written language other than English exceeds 20%, then the District shall also publish the fee waiver policies and fee schedules in that other language. If a student or parent's first language is not English, and the District has not published the policies and fee schedules in that other language, then a District representative will meet personally with each student's parent or family and make available an interpreter for the parent to understand the policies and fee schedules.

Utah Admin. Rules R277-407-6(7) (November 10, 2020)

Standards for Fees—

In setting fees, the Board shall establish the following maximum fee amounts:

1. The amount that a school may charge to a student in a year for each course, program, or activity.
2. The aggregate amount that a school may charge to a student in fees in a year.

These maximum amounts include the amount of revenue raised by a student through an individual fundraiser. The maximum amounts also include the total per student amount expected to be received through required group fundraising. (*See* Alternatives to Payment of Fees, below.)

Utah Admin. Rules R277-407-6(4) (November 10, 2020)

In order to preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, the Board's fee policies shall be designed to limit student expenditures for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national.

Utah Admin. Rules R277-407-6(11) (November 10, 2020)

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

Utah Admin. Rules R277-407-6(4)(e) (November 10, 2020)

No fees may be charged in kindergarten through grade 6 in connection with regular school day instruction or activities (including assemblies and field trips.) Fees may be charged to students in grade 6 if those students are attending a school that includes any of the grades 7 through 12. A school that provides instruction to students in grades other than grades 6 through 12 may not charge fees to students in grade 6 unless for those students the school follows a secondary model of instruction.

Utah Code § 53G-7-503(2)(a) (2021)
Utah Admin. Rules R277-407-3(1), (3) (November 10, 2020)

The Board may charge a fee related to a student's enrollment in supplemental kindergarten.

Utah Admin. Rules R277-407-4(5) (November 10, 2020)

Fees may be charged to elementary school students for activities which do not take place during the regular school day so long as participation in the activities is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.

Utah Code § 53G-7-503(2)(a) (2021)
Utah Admin. Rules R277-407-4(1) (November 10, 2020)

Textbook fees may be charged to secondary school students up through the end of the 2021-2022 school year. Beginning with the 2022-2023 school year, textbooks may not be sold to students and fees for textbooks or the maintenance costs of school equipment may not be charged to secondary school students except for textbooks required for an Advanced Placement or concurrent enrollment course.

Utah Code § 53G-7-602(3) (2020)
Utah Admin. Rules R277-407-12 (November 10, 2020)

All fees, including fees for co-curricular and extracurricular activities, must be within the maximum amounts established for the activity by the Board.

Utah Admin. Rules R277-407-4(2) (November 10, 2020)

A fee may not be imposed or increased in order to supplant or subsidize another fee. Beginning with the 2020-2021 school year, the amount of a fee may not be increased to offset the cost of fee waivers. Beginning with the 2022-2023 school year, the fee imposed on a student for a particular activity, course, or program cannot exceed the expense incurred by the school in providing that activity, course, or program.

Utah Code § 53G-7-503(3) (2021)
Utah Admin. Rules R277-407-8(2)(a) (November 10, 2020)

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In establishing fee schedules, the Board may also review and consider the following as to each school in the District:

1. The cost to the school to provide the activity, class, or program;
2. The student enrollment;
3. The median income of families within the attendance area or enrolled at the school;
4. The number and monetary amount of fee waivers (designated by individual fee) annually granted in the prior three years;
5. The historical participation and school interest in certain activities;
6. The prior year fee schedule;
7. The revenue collected from each fee in the prior year;
8. Fundraising capacity;
9. Prior year community donors; and
10. Other resources available (including through donations and fundraising).

Utah Admin. Rules R277-407-6(5) (November 10, 2020)

Alternatives to Payment of Fees—

The Board recognizes and allows the following provisions in lieu of fee payment. (A "provision in lieu of fee payment" means an alternative to either payment of the fee or waiver of the fee.)

Utah Admin. Rules R277-407-2(14) (November 10, 2020)

Fundraising

Consistent with Policy GF, students may avail themselves of optional individual fundraising opportunities to raise money to offset the cost of the student's fees. Required individual fundraising is prohibited. Student membership in or participation on a team or group may not be denied based on non-participation in any kind of fundraiser (individual or group).

Utah Admin. Rules R277-407-10 (November 10, 2020)

Service in Lieu of Fees

Students may choose (but may not be required) to perform service in lieu of paying a fee.

Utah Admin. Rules R277-407-9(1) (November 10, 2020)

If elected by a student, the service assignment shall be determined by the principal or other designee. The assignment shall be appropriate to the age, physical condition, and maturity of the student and service required shall be consistent with the federal Fair Labor Standards Act. The service must be credited at an hourly rate at least equal to the minimum wage and must be able to be performed within a

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reasonable period of time. Service assignments may include service within the school, including tutorial assistance to other students and assistance before or after school to teachers and other school personnel on school related matters.

Utah Code § 53G-7-504(2)(a) (2020)
Utah Admin. Rules R277-407-9(2) (November 10, 2020)

A student who performs service in lieu of paying a fee may not be treated differently than students who pay the fee, and 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.

Utah Admin. Rules R277-407-9(3) (November 10, 2020)

Upon request of the student, the student's service credit shall be transferred to another school within the District or to another local education agency.

Utah Admin. Rules R277-407-9(4) (November 10, 2020)

Waiver of Fees—

A "waiver" means a full or partial release from the requirement of payment of a fee and from any provision in lieu of fee payment. (A "provision in lieu of fee payment" means an alternative to either payment of the fee or waiver of the fee.) All fees are subject to waiver. Non-fee charges (see above) are not subject to waiver.

Utah Code § 53G-7-501(13) (2020)
Utah Admin. Rules R277-407-2(14), (25) (November 10, 2020)
Utah Admin. Rules R277-407-8(1) (November 10, 2020)

"SSI" means "Supplemental Security Income for children with disabilities," which is a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low-income families.

Utah Admin Rules R277-407-2(22) (November 10, 2020)

"TANF" means "Temporary Assistance for Needy Families," which is a program (formerly known as AFDC) which provides monthly cash assistance and food stamps to low-income families with children under age 18 through the Utah Department of Workforce Services.

Utah Admin. Rules R277-407-2(23) (November 10, 2020)

Eligibility for Waiver

A waiver shall be granted to a student if charging the fee would deny the student the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee.

Utah Code § 53G-7-504(1)(a) (2020)
Utah Admin. Rules R277-407-8(3) (November 10, 2020)

A student is eligible for waiver upon providing verification that:

1. The student qualifies based on income eligibility levels established annually by the State Superintendent;

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2. The student receives SSI;
3. The family receives TANF funding;
4. The student is in foster care through the Utah Division of Child and Family Services; or
5. The student is in state custody.

Utah Admin. Rules R277-407-11(1), (2) (November 10, 2020)

A student who does not qualify based on the foregoing may also be granted a waiver if the student is not reasonably capable of paying the fee based on extenuating circumstances. Such circumstances might include exceptional financial burden, loss or substantial reduction of income, or extraordinary medical expenses.

Utah Admin. Rules R277-407-11(4) (November 10, 2020)

In the event that circumstances change for a student or family such that fee waiver eligibility no longer exists, the school may charge a proportional share of a fee or a reduced fee reflecting the change in eligibility.

Utah Admin. Rules R277-407-11(5) (November 10, 2020)

Process for Waiver

The principal, or the principal's designee, shall review and make decisions regarding fee waiver requests, verifying eligibility as required (including obtaining the required documentation). The decision shall be made promptly and if possible before the fee becomes due. A family may not be subjected to unreasonable demands for re-qualification.

Utah Code § 53G-7-504(b) (2020)
Utah Admin. Rules R277-407-6(9)(a) (November 10, 2020)
Utah Admin. Rules R277-407-8(4), (8)(b) (November 10, 2020)
Utah Admin. Rules R277-407-11(3)(d) (November 10, 2020)

Parents shall be provided the opportunity to review available provisions in lieu of fee payment.

Utah Admin. Rules R277-407-8(10)(a) (November 10, 2020)

The waiver process shall be administered fairly, objectively, without delay, and in a manner that avoids stigma, embarrassment, undue attention, and unreasonable burdens on students and parents. There shall be no visible indicators which could lead to identification of waiver applicants. The privacy requirements of FERPA apply and shall be followed. Other students may not assist in the waiver approval process. Students who receive a waiver may not be treated differently than other students. Students who receive a waiver may not be identified to other students and may not be identified to any other person (including staff members) who do not need to know of the waiver.

Utah Admin. Rules R277-407-8(5) (November 10, 2020)
Utah Admin. Rules R277-407-9(6) (November 10, 2020)

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The waiver application and associated required documentation shall incorporate and conform to the regulations issued by the State Board of Education, which will specify the forms of documentation and verification which are acceptable.

Utah Code § 53G-7-504(4) (2020)

In lieu of income verification, the school may rely on the following alternative forms of verification:

1. If the student's family receives TANF, an electronic copy or screen-shot of the student's family's eligibility determination or eligibility status from the Utah Department of Workforce Services which covers the period for which waiver is sought;
2. If the student receives SSI, a benefit verification letter from the Social Security Administration;
3. If the student is in state custody or in foster care, either or both of the following when provided by a case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department:
   a. The youth in care required intake form;
   b. The school enrollment letter.

Utah Admin. Rules R277-407-11(3) (November 10, 2020)

The principal or designee may grant a full or partial waiver or deny the request. Upon determination by the principal or designee, the parent shall be provided a written decision using the standard written decision and appeal form authorized by the State Board of Education. A full or partial denial decision shall include the reasons for the denial and give notice of the procedure to appeal the decision.

Utah Admin. Rules R277-407-6(9)(b) (November 10, 2020)
Utah Admin. Rules R277-407-9(6)(e) (November 10, 2020)

Appeals of the principal's decision on the granting of fee waivers may be made to the superintendent. Appeals of the superintendent's decision may be made to the Board.

Utah Admin. Rules R277-407-8(10)(b) (November 10, 2020)

The requirement that a student pay a fee shall be suspended during any period when the student's eligibility for waiver is being determined or when an appeal of a denial of waiver is in process.

Utah Admin. Rules R277-407-8(10)(c) (November 10, 2020)
Utah Admin. Rules R277-407-9(6)(f) (November 10, 2020)

Addressing the Effect of Waivers

The District shall identify and address potential inequities due to the impact of the number of students who receive waivers with each of the District's Schools. The Board shall distribute the impact of fee waivers among the schools of the District so

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that no school carries a disproportionate share of the District's total fee waiver burden, including by sharing revenue among the schools to remedy that lost through waivers.

Utah Admin. Rules R277-407-8(2)(c) (November 10, 2020)
Utah Admin. Rules R277-407-13(2)(b), (4) (November 10, 2020)

Fee Collection—

Students may not be involved in the collection of fees.

Utah Admin. Rules R277-407-9(6)(d) (November 10, 2020)

The school may allow a fee to be paid through an installment payment plan. However, such a plan may not be required in lieu of a fee waiver.

Utah Admin. Rules R277-407-9(5) (November 10, 2020)

The District may pursue reasonable methods of collecting fees. However, the District may not, as a result of unpaid fees:

1. Exclude a student from school or from an activity, class, or program during the regular school day;
2. Refuse to issue a course grade; or
3. Withhold official student records, including written or electronic grade reports, diplomas, or transcripts.

Utah Admin. Rules R277-407-6(10)(a) (November 10, 2020)
Utah Admin. Rules R277-407-8(11) (November 10, 2020)

If the school has been provided with a copy of a court order allocating responsibility for school fees between a student's parents before the day on which the school first issues a bill for a school fee, the school shall, upon request from either parent, separately bill each parent for the share of the fee that the parent is to pay under the court order. Each parent is liable only for the share of the fee the parent is required to pay under the court order, and regardless of whether the court order is provided to the school before or after the bill is issued for the fee, the school may not make a negative credit report relating to a fee about a parent who has paid the share of the fee required by the court order. The school may bill a parent for that parent's share of the fee even though the other parent has obtained a full or partial fee waiver.

Utah Code § 15-4-6.7 (2017)

Staff Training—

Employees of the District shall receive, on at least an annual basis, training on fee policies specific to the employee's job function. Such training shall make use of the resources and training materials provided by the State Superintendent.

Utah Admin. Rules R277-407-15 (November 10, 2020)

Reporting and Certification—

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For the 2020-2021 school year, the District shall measure the total number of students who pay each fee, the money received for each fee, the total number of students who receive a fee waiver, and the value of each waiver for each waived fee. These categories of data shall be reported to the State Board of Education by July 1, 2021.

Utah Code § 53G-7-503(5)(a) (2021)

The District's annual year-end report to the State Superintendent shall include (1) a summary of the number of students in the District given fee waivers, the number of students who worked in lieu of a fee waiver, the number of students denied fee waivers, and the total dollar value of fees waived by the District; (2) a copy of the District's fee and fee waiver policies; (3) a copy of the District's fee schedule for students; (4) the notice of fee waiver criteria which is provided by the District to parents or guardians; (5) a fee waiver compliance form for the District and each school (using the forms approved by the State Superintendent); (6) the total count of fees approved on the District's fee schedule; and (7) the total dollar amount of all fees charged to students within all the schools in the District.

Utah Admin. Rules R277-407-14 (November 10, 2020)

The District and each school shall complete and submit such compliance forms as are required by the State Board of Education.

Utah Admin. Rules R277-407-8(9) (November 10, 2020)

Required Notices and Action—

The District and each school shall use the following standard forms as they are provided by the State Board of Education:

1. Standard parental notification letter ("School Fees Notice for Families of Students in Grades 7-12" or "School Fees Notice for Families of Children in Grades K-6");
2. Standard fee waiver application ("Fee Waiver Application (Grades K-6)" or "Fee Waiver Application (Grades 7-12)");
3. Standard written decision and appeal form ("Fee Waiver Decision and Appeal Form");
4. School fees service agreement ("Service Agreement, Verification, and Appeal Form");

These standard forms as drafted and adopted by the State Board of Education are hereby incorporated into these policies. (The forms are also available in Spanish, Arabic, Chinese, and Somali.) The District and each school shall adhere to the terms and conditions set forth in the standard forms.

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Visitation on Campus
Students Leaving with Adult During School Hours

Removal During School Day—

No person shall be allowed to remove a student from school during the school day unless that person reports first to the Principal at the school's administrative offices, and one of the following circumstances is true:

1. The person positively identifies him or herself as the student's custodial parent, including identification of the person, as well as production of documentation sufficient to establish custodial rights to the child, if circumstances warrant it.
2. The person is in possession of and produces a validly issued subpoena or court order instructing the school to deliver the student to the person named in it, and the person can positively identify him or herself as the person named to receive the student in the subpoena.
3. The person is a properly identified law enforcement officer in possession of a validly issued warrant naming the student, and the Principal or his designee examines the warrant and is satisfied that the student is properly and sufficiently identified.

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School Uniforms

School student uniform policies authorized—

School principals may, as set out in this policy, require students enrolled at a school to wear a designated school uniform during the school day. “Principal” includes the chief administrator of a school that does not have a principal. “School Uniform” means special clothing items or shoes that meet specific requirements (including a specific color, style, fabric, or imprint) that students are required to provide and which are worn for a curricular activity. “A curricular activity” is an activity, course, or program which is intended to provide instruction, which is provided, sponsored, or supported by the District or school and which is only conducted during school hours. “School uniform” does not include “school activity clothing,” which is special shoes or items of clothing which are worn for co-curricular or extracurricular activities.

Utah Code § 53G-7-501(2), (8), (9) (2020)
Utah Code § 53G-7-801 (2019)
Utah Code § 53G-7-802 (2019)

School uniform policy—

The school uniform policy may not include very expensive or prescriptive clothing requirements unless the school uniform requirements are to be considered a fee. (In that case, the school uniform requirements would need to be approved as a fee under Policy FI.) In addition, the policy shall:

1. Protect students’ free exercise of religious beliefs;
2. Specify whether the uniform policy is voluntary or mandatory for students;
3. Specify whether the uniform policy has an opt-out provision in addition to principal-approved exemptions for extenuating circumstances;
4. Include a provision for financial assistance to families who cannot afford to purchase a required uniform, which may include:
   a. The school providing school uniforms to students;
   b. The school making used school uniforms available to students; or
   c. Other programs to make school uniforms available to economically disadvantaged students.

A school uniform policy is not considered a fee for either an elementary or a secondary school unless the policy requires clothing that is expensive or prescriptive.

Utah Code § 53G-7-501(2), (8), (9) (2020)
Utah Code § 53G-7-801(4) (2019)
Utah Code § 53G-7-802(2), (3), (4), (5) (2019)

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Parent-initiated uniform policy—

Parents of students attending a school may petition the principal to initiate, modify, or discontinue a uniform policy for that school. Upon receipt of such a petition signed by parents of 20% of the school's students, the principal is required to submit the question to parents of students subject to the proposed policy.

Utah Code § 53G-7-803 (2019)

District-level uniform policy—

The Board of Education may implement a uniform policy for all schools in the District, or may modify or discontinue an existing uniform policy, subject to the approval of a majority of those voting at an election held to consider the question. Only parents of students subject to the proposed policy or change may vote at this election, limited to one vote per family. The Board shall establish the manner and time of this election. The Board shall also submit for approval a proposal to implement, modify or discontinue a District uniform policy upon receipt of a petition signed by the parents of 20% of the District's students.

Utah Code § 53G-7-803 (2019)

Public hearing—

Prior to formally adopting, modifying, or discontinuing a school uniform policy, the principal or Board of Education shall hold a public hearing on the matter.

Utah Code § 53G-7-803(2) (2019)

Parent approval required to implement, modify, or discontinue—

Before any school or district-wide uniform policy may be initiated, modified, or discontinued, that action must be approved by a majority of those voting at an election held for that purpose. Only parents of students subject to the proposed policy or change may vote at this election, limited to one vote per family. The principal or Board shall establish the manner and time of this election.

Utah Code § 53G-7-803(2) (2019)

Limitation on vote to discontinue uniform policy—

A vote to discontinue an adopted uniform policy may not take place during the first year of the policy's operation.

Utah Code § 53G-7-803(4)(b) (2019)

Exemption from uniform policy—

A school uniform policy shall include a provision which authorizes the principal, in his or her discretion, to grant individual students an exemption from complying with the uniform policy because of extenuating circumstances. Students shall utilize the procedures outlined in policy FGE: Student Complaints, if they desire a review of a denial of a requested exemption from the uniform policy or a related complaint.

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Utah Code § 53G-7-802(5) (2019)

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Public Information Program
Public Records

Policy Purpose—

This policy is adopted pursuant to the Government Records Access and Management Act Utah Code § 63G-2-701 ("GRAMA") and applies to District records relating to information practices, including classification, designation, access, denials, segregation, appeals, management, retention, and amendment of documents. [Note: Upon adoption, a school district GRAMA policy must be filed with the state archives within 30 days of the policy's effective date.]

Utah Code § 63G-2-701 (2019)

Privileged Document—

The District reserves the right to claim a privilege with respect to all documents which are subject to attorney work product, attorney-client, physician-patient, psychiatrist-patient or other statutory privilege.

Appropriate Requester of Records—

Every person has the right to inspect a public record free of charge and the right to copy a public record in compliance with the terms of this policy. (There are some restrictions applicable to persons confined in correctional facilities after conviction.) The procedure for requesting a record is set forth below. A "public record" generally means any record that is not private, controlled, or protected. However, a "public record" does not include a record to which access is restricted pursuant to a court rule, a federal regulation, another statute, or records to which access is restricted or governed as a condition of participation in a state or federal program or for receiving state or federal funds.

For purposes of this policy, "records" do not include: temporary drafts or other materials prepared for the originator's personal use or for the personal use of another, personal notes, notes kept in personal journals, diaries or other day timers, notes of informal observations, notes of evaluations or materials owned by the originator in his or her private capacity, documents relating to the Board of Education's actions in a quasi-judicial capacity, books or other items catalogued in District libraries, copyrighted material (unless copyrighted by a government entity), or computer programs or software. In addition, GRAMA does not apply to District documents and information relating to security plans (including plans to prepare for or mitigate terrorist activity or for emergency and disaster response and recovery); security codes, combinations, and passwords; passes and keys; security procedures; results of or data collected from a risk assessment or security audit; and building and public works designs to the extent that those relate to ongoing security measures.

Utah Code § 63G-2-204(1) (2021)

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Utah Code § 63G-2-201 (2019)
Utah Code § 63G-2-106 (2022)

Public Records—

Public records shall include

1. official minutes,
2. actions and decisions of the Board of Education and District Administration;
3. official District and school:
   a. policies
   b. contracts
   c. accounts
   d. employment records of former and current employees and officers to the extent they disclose only:
      i. names
      ii. gender
      iii. job titles
      iv. job descriptions
      v. business address
      vi. business telephone number
      vii. gross salaries
      viii. working hours and dates of employment
4. any other record properly identified as public in accordance with Utah Code § 63G-2-301 unless the record involves information which is classified as private, controlled or protected.

Public records shall also include formal charges or disciplinary actions against a current or former employee if the disciplinary action has been completed, all time periods for administrative appeal have expired, and the charges on which the disciplinary action was based were sustained.

Utah Code § 63G-2-301 (2020)

Availability of Public Records—

Public records shall be open for public inspection during regular office hours, subject to compliance with the procedures set forth in this policy.

Private Documents—

The District hereby designates all documents identified in Utah Code § 63G-2-302(1)(a) through (c), (g) through (i), (n), (w), and 302(2) as "private data," including specifically but not limited to:

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1. All private personnel records contained in a personnel file, applications, nominations, or recommendations for employment, advancement or appointment (with the exception of those portions of personnel records identified as public above);
2. Any formal employee evaluation signed by the employee;
3. Records showing an individual's home address, home telephone number, social security number, insurance coverage, marital status, payroll deductions, race, religion or disabilities or military status;
4. Records touching upon an individual's eligibility for unemployment benefits, social services, or welfare benefits;
5. Records touching upon an individual's personal finances, except for the compensation information identified as public above, information provided to the Board for the purpose of complying with a financial assurance requirement, or records that must be disclosed pursuant to another statute;
6. Records touching upon any individual's medical or psychological condition, past or present; or
7. Any record the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Utah Code § 63G-2-302 (2022)

In addition, in determining whether a record is properly classified as private, the District shall consider and weigh any personal privacy interests, including those in images, that would be affected by disclosure of the record and any public interests served by disclosure.

Utah Code § 63G-2-201(15) (2019)

Student Records—

All student records are designated as "education records" and the disclosure of such education records is not governed under GRAMA but under 20 U.S.C. § 1232g and 34 CFR § 99 et seq. and 34 CFR § 300 et seq. The District may not release information related to educational records without parental consent, except as provided in the Family Educational Rights and Privacy Act (FERPA). See Policy FE: Student Records.

Utah Code § 63G-2-107(2) (2016)

Availability of Private Records—

Upon an appropriate written request from the subject of the records, or the parent or legal guardian of an unemancipated minor who is the subject of the record, the District shall disclose private records and other private data only to:

1. the subject of the record, or

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2. the parent or legal guardian of an unemancipated minor who is the subject of the private record, or
3. the legal guardian of a legally incapacitated individual who is the subject of the private record, or
4. any individual who has a power of attorney from the subject of the record, or who submits a notarized release from the subject of the record, or
    a. his legal representative which is dated not more than ninety (90) days before the date the request is made, or
    b. pursuant to an order of a court of competent jurisdiction to disclose such record.

    Utah Code § 63G-2-202(1) (2021)

Controlled Records—

A record is controlled if:

1. the record contains medical, psychiatric, or psychological data about an individual;
2. the governmental entity reasonably believes that:
    a. releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual; or
    b. releasing the information would constitute a violation of normal professional practice and medical ethics; and,
    c. the governmental entity has properly classified the record.

Records showing medical or psychological tests of a student may be disclosed to persons within the school district who are members of that student's individual education program (IEP) team.

Utah Code § 63G-2-304 (2008)

Availability of Controlled Records—

Upon proper request, the District shall disclose a controlled record to:

1. a physician, physician assistant, psychologist, certified social worker, insurance provider or producer, or a government public health agency upon submission of:
    a. a release from the subject of the record that is dated no more than 90 days prior to the date the request is made; and
    b. a signed acknowledgment of the terms of disclosure of controlled information as provided by GRAMA; or to

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2. any person to whom the record must be disclosed pursuant to a court order or legislative subpoena.

   Utah Code § 63G-2-202(2)(a) (2021)

Protected Records—

The District hereby designates as "protected data" all records identified in Utah Code § 63G-2-305, including but not limited to:

1. Any document disclosing a trade secret as defined in Utah Code § 13-24-2 if the person submitting that information to the District has provided the District with the information specified in Utah Code § 63G-2-309;
2. commercial information or nonindividual financial information from a person if:
   a. disclosure of that information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the District to obtain necessary information in the future;
   b. the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
   c. the person submitting the information has provided the District with the information specified in Utah Code § 63G-2-309;
3. Test questions or answers;
4. Any document the disclosure of which would impair procurement proceedings or give an unfair advantage to a person or entity proposing to enter into a contract with the District, except that (subject to 1 and 2 above), once the contract has been awarded, neither an unsolicited proposal nor a bid, proposal, or application submitted to the District in response to a request for bids, a request for proposals, a grant, or similar document is no longer considered a protected document;
5. Information submitted to or by the District in response to a request for information except (subject to the restrictions noted above regarding trade secrets and commercial information) (a) after a contract directly relating to the request for information has been awarded and signed by all parties or (b) at least 2 years and 1 day have passed since the issuance of the request for information and the District has made a final determination not to enter into a contract that relates to the subject of the request;
6. Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for acquisition by the District before any rights to the property are acquired unless:
   a. Public interest in obtaining access to the information outweighs the District's need to acquire the property on the best terms possible;

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b. The information has already been disclosed to persons not employed by or under a duty of confidentiality to the District;

c. In the case of records identifying the property, potential sellers of the property have already learned of the District's plans to acquire the property;

d. In the case of records identifying the appraisal or estimated value of the property, the potential sellers have already learned of the District's estimated value of the property; or

e. The property the District is considering acquiring is a single-family residence and the District has initiated negotiations to acquire the property under Utah Code § 78B-6-505;

7. Records prepared in contemplation of the sale, exchange, lease, rental or other compensated transaction of real or personal property (including intellectual property), which if disclosed prior to completion of the transaction would reveal the appraised or estimated value of the property unless:

   a. The public interest in access outweighs the interests in restricting access, including the District's interest in maximizing the financial benefit of the transaction; or

   b. When prepared by or on behalf of the District, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the District;

8. Records created or maintained for administrative enforcement purposes or audit purposes or for discipline purposes if release of the records could reasonably be expected to interfere with investigations undertaken for discipline purposes, could reasonably be expected to interfere with audits or disciplinary proceedings, would create a danger of depriving a person of a right to an impartial hearing, or reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known if disclosure would interfere with audit efforts;

9. Any record that may jeopardize the life or safety of an individual if disclosed;

10. Any records which may jeopardize the security of District property or programs;

11. Records that are subject to the attorney client privilege;

12. Records touching upon issues of actual or potential litigation;

13. Records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of District for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;

14. Drafts, unless otherwise classified as public;

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15. Records touching upon collective bargaining strategy or strategy about imminent or pending litigation;
16. Records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;
17. Records (including recordings) generated in a meeting closed in accordance with the Utah Open and Public Meetings Act;
18. Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
19. Materials to which access must be limited for purposes of securing or maintaining the District's proprietary protection of intellectual property rights including patents, copyrights, trademarks and trade secrets; and
20. A statement that a District employee provides to the District in the course of a District personnel or administrative investigation into potential misconduct involving the employee when the District (1) requires the statement to be given under threat of employment disciplinary action and (2) gives the employee assurance that the statement cannot be used against the employee in any criminal proceeding.

Utah Code § 63G-2-305 (2022)

Availability of Protected Records—

Upon proper request, the District shall disclose a protected record to:

1. the person that submitted the record;
2. any other individual who:
   a. has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or
   b. submits a notarized release from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than ninety (90) days prior to the date the request is made;
3. any person to whom the record must be provided pursuant to a court order or legislative subpoena as provided by statute.

Utah Code § 63G-2-202(4) (2021)

Exempt records include student records, which are protected by the Family Educational Rights and Privacy Act.

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Copyrighted or Patented Materials—

Any document which is copyrighted, either by formal filing under federal copyright laws or by informal claim of copyright, or which is covered by a patent, trademark or other protected designation, shall not be copied or provided to any person without an order of a court of competent jurisdiction ordering such disclosure or written permission from the author of the record.

Utah Code § 63G-2-103(22)(b)(iv) (2021)
Utah Code § 63G-2-305(36) (2022)

Sharing Records—

The District shall provide a private, controlled, or protected record to another governmental entity, a political subdivision, a government-managed corporation, the federal government, or another state if the requesting entity:

1. is entitled by law to inspect the record; or
2. is required to inspect the record as a condition of participating in a state or federal program or for receiving state or federal funds.

The District may provide a record that is private, controlled, or protected to another governmental entity, a government managed corporation, a political subdivision, the federal government, or another state if the requesting entity:

1. serves as a repository or archives for purposes of historical preservation, administrative maintenance, or destruction;
2. enforces, litigates, or investigates civil, criminal, or administrative law, and the record is necessary to a proceeding or investigation;
3. is authorized by state statute to conduct an audit and the record is needed for that purpose;
4. is one that collects information for presentence, probationary, or parole purposes; or
5. is the Utah Legislature, a legislative committee, a member of the Legislature, or a legislative staff member acting at the request of one of these entities and the record is requested in connection with the Legislatures duties including preparation or review of a legislative proposal or legislation, appropriations, or an investigation or review by the Legislature or a legislative committee.

The District may provide a private, controlled or protected record to another governmental entity, a political subdivision, a government managed corporation, the federal government, or another state if the requesting entity provides written assurance:

1. that the record or record series is necessary to the performance of the governmental entity's duties and functions;

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2. that the record or record series will be used for a purpose similar to the purpose for which the information in the record or record series was collected or obtained; and
3. that the use of the record or record series produces a public benefit that outweighs the individual privacy right that protects the record or record series.

Utah Code § 63G-2-206 (2019)

The District may disclose records that may evidence or relate to a violation of the law to a government prosecutor, peace officer, or auditor.

Utah Code § 63G-2-206(9) (2019)

A governmental entity, including the District, that receives a record pursuant to this policy, Sharing Records, or Utah Code § 63G-2-206, is subject to the same restrictions on disclosure of the record as the originating entity.

Utah Code § 63G-2-206(6) (2019)

Procedures—

A person may request access to the District's records if that person meets the requirements set forth in this policy and submits a written request containing the requester's name, mailing address, daytime telephone number, a specific description of the records requested and showing the requester's status as one entitled to access to such records. Each requester shall submit a written request specifically identifying those documents requested. The request shall specifically state whether:

1. the requester seeks only to inspect the records;
2. the requester seeks to inspect and obtain copies of records; or
3. the requester seeks to have the District identify and provide copies of the requested records, without prior inspection by the requester.

In the event that copies of records are requested, the requester shall pay fees as set forth below.

Procedures for Electronic Records—

In submitting the records request, the requester shall also state if the requester desires copies of the records in electronic format. Upon receipt of such a request, the District shall provide records in electronic format if otherwise appropriate under this policy and if all of the following requirements are met: (1) the District maintains the records in a format that is reproducible, (2) the record can be provided to the requester without reformatting or conversion, and (3) the electronic copy either does not disclose other records which are exempt from disclosure or the electronic records to be disclosed can be segregated from those not to be disclosed without undue expense to the District.

Utah Code § 63G-2-201(14) (2019)

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Records Officer—

The Superintendent shall appoint a "records officer" to work with Division of Archives and Records Service in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

Each records officer shall, on an annual basis, successfully complete online training and obtain certification from Division of Archives and Records Service.

Utah Code § 63G-2-103(24) (2021)
Utah Code § 63G-2-108 (2012)

Access to District Records—

A request to view District records should be addressed to the appropriate records officer during regular business hours. Individuals requesting to view records classified as "Private," "Controlled," or "Protected" must prove their right of access to the records through personal identification, written release from the subject of the record, power of attorney, court order or other appropriate means.

The records officer shall determine whether access to the requested records is to be granted or denied.

If the request is granted, the record shall be provided as soon as possible and not more than ten (10) business days from the date the request is received unless extraordinary circumstances as identified in Utah Code § 63G-2-204(6) require a longer period of time. If the requester seeks an expedited response, the time for response to the request shall be five (5) business days if the requester demonstrates that the request benefits the public rather than the requester. This public benefit is presumed if the request is made to obtain information for a story or report for publication or broadcast to the general public. The District shall promptly evaluate all requests for expedited responses and if the District determines that the requester has not demonstrated that the request is for public benefit and that the response to the request will therefore not be expedited, the District shall so inform the requester within five (5) business days of the request.

If the request is denied wholly or partly, the records officer must provide a written denial which:

1. Describes the records or parts of the records to which access is denied (provided that the description does not disclose private, controlled, or protected information);
2. Cites to the provisions of the Open and Public Meetings Act or other law or regulation exempting the record or parts of record from disclosure (provided that this does not disclose private, controlled, or protected information);
3. States that the requester has the right to appeal the denial to the superintendent;
4. States that the appeal must be made within 30 days after the denial is sent; and

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5. States the superintendent's name and business address.

The written denial is to be sent to the requester's address or personally delivered to the requester.

Utah Code § 63G-2-205 (2008)

If the records are not maintained by the District, the requester should be informed that the records cannot be provided for that reason.

If the District determines that extraordinary circumstances as identified in Utah Code § 63G-2-204(6) require a longer time for response, the District shall notify the requester of that determination within ten business days (five for public benefit requests) and shall describe in the notice the circumstances which constitute the extraordinary circumstances and shall inform the requester when the records or shall be available or response shall be made consistent with Utah Code § 63G-2-204(7).

Utah Code § 63G-2-204 (2021)

Fees for Search and/or Duplication of Records—

A fee shall be charged for the District's actual cost of duplicating a requested record and also for the personnel time in compiling and obtaining the record, which charge shall be the hourly rate of the lowest paid employee that the custodian of records determines has the necessary skill and training to perform the request.

However, no fee may be charged for:

1. the time and work required to determine whether the record is subject to disclosure (beyond that needed to retrieve the record or compiling, formatting, manipulating, packaging, summarizing, or tailoring the record as needed to meet the request, which can be charged as set out above);
2. the requester's inspecting the record; or
3. the first quarter-hour of staff time in responding to a records request (except as provided below).

An additional charge of $_____ shall be charged per each page of a document which has been requested to be certified.

Before beginning to process a request, the District shall require the requester to pay any past unpaid fees of the requester and shall require the payment of the estimated future fees if those are expected to exceed $50.00.

The District shall charge for the first quarter hour of staff time spent in responding to a records request if the requester is not a Utah media representative and has previously submitted a separate request within the 10-day period immediately before the date of the request the District is responding to. (A "media representative" is a person who requests a record to obtain information for a story or report for publication or broadcast to the general public. "Media representative" does not include a person who requests a record to obtain information for a blog, podcast,

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social media account, or other means of mass communication generally available to a member of the public.)

Utah Code § 63G-2-203 (2022)

Right to Require Requester to Make Copies—

If an appropriate requester requests to have copies of more than fifty (50) pages of records, the District may in its sole discretion provide the requester with facilities to make copies and require the requester to make copies him or herself at his or her own expense.

Utah Code § 63G-2-201(11) (2019)

Appeals Process—

An appeal of an access denial may be made by the requester or by any interested party. (An "interested party" is a person other than the requester who is aggrieved by an access denial. An "access denial" is the complete or partial refusal to disclose a record or the failure to respond or to timely respond to a records request.) The requester may also appeal a denial of a request to waive fees or the records officer's determination that extraordinary circumstances exist justifying additional time for responding and the date determined for response.

Utah Code § 63G-2-203(6) (2022)
Utah Code § 63G-2-400.5 (2019)
Utah Code § 63G-2-401 (2019)

An appeal is made by filing a notice of appeal with the superintendent within 30 days after (1) the District sends or delivers the notice of denial or denies a request to waive fees, (2) the records request is considered denied because the District has not timely responded to the request, or (3) the District gives notice of the claim of extraordinary circumstances justifying a longer time for responding.

Utah Code § 63G-2-401(1) (2019)

The notice of appeal must include (1) the name, mailing address, and daytime telephone number of the requester or interested party and (2) the relief sought. The appealing party may also file a short statement of facts, reasons, and legal authority in support of the appeal.

Utah Code § 63G-2-401(2), (3) (2019)

If the appeal involves a record which is subject to a claim of business confidentiality, then the superintendent shall send notice of the appeal to the person claiming business confidentiality within three business days after receiving the notice of appeal (or, if the notice has to be given to more than 35 persons, as soon as reasonably possible). The superintendent shall also send notice to the appealing party of the business confidentiality claim and the schedule for deciding the appeal within three business days after receiving the notice of appeal. The business confidentiality claimant has seven business days after the superintendent sends notice to the claimant in which to submit further support of the claim of confidentiality.

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Utah Code § 63G-2-401(4) (2019)

The superintendent shall rule on the appeal within ten business days of receiving the notice of appeal unless the requester or interested party demonstrates that an expedited decision benefits the public rather than the requester or interested party, in which case the superintendent shall rule on the appeal within five business days of receiving the notice of appeal. However, if the record is subject to a claim of business confidentiality, the superintendent shall rule on the appeal within twelve business days after the superintendent sends the notice of appeal to any individual asserting a claim of business confidentiality. If the superintendent does not rule on the appeal within these time periods, then the superintendent is deemed to have affirmed the access denial or the claim of extraordinary circumstances requiring additional time to respond or the extended date to respond.

Utah Code § 63G-2-401(5) (2019)

The District shall send written notice of the superintendent's decision to all participants. If the superintendent in whole or in part affirms the access denial, this notice shall state (1) that the appealing party has the right to appeal the decision to the State Records Committee or to a state district court, and (2) the name and business address of the executive secretary of the State Records Committee. The time for filing an appeal to the State Records Committee is thirty days after the superintendent's decision is issued. However, if the issue was a claim of extraordinary circumstances or an extended response date based on extraordinary circumstances and if the superintendent does not make a decision, then the appeal to the State Records Committee may be filed within forty-five days of the original records request. If the appeal is by filing a petition for judicial review in district court, the petition must be filed within thirty days of the superintendent's decision.

Utah Code § 63G-2-401(7) (2019)
Utah Code § 63G-2-403(1) (2019)
Utah Code § 63G-2-404(1)(a) (2021)

An individual who is aggrieved by the District's classification or designation of records for GRAMA purposes (but who is not requesting access to the records) may appeal the District's action to the superintendent following these procedures. However, if the non-requesting party is the only party appealing, the decision on the appeal is to be made within thirty days of the notice of appeal.

Utah Code § 63G-2-401(8) (2019)

Retention of District Records—

The District shall adhere to the general schedule for records retention approved by the State Records Committee. Records which are not covered by the general schedule shall be submitted to the State Records Committee for scheduling.

Amendment of Records—

An individual may contest the accuracy or completeness of any public, or private, or protected record concerning him/her by requesting the School District to

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amend the record. However, this provision does not affect the right of access to private or protected records. This provision does not apply to records relating to title of real property, medical records, judicial case files, or any other records that the School District determines must be maintained in their original form to protect the public interest or preserve the integrity of the record keeping system.

Utah Code § 63G-2-603 (2008)

Request to Amend—

The request to amend shall contain the requester's name, mailing address, daytime telephone number and a brief description explaining why the specific record should be amended.

Utah Code § 63G-2-603(2)(b) (2008)

Response—

The School District shall issue an order either approving or disapproving the request to amend no later than thirty (30) days after the request is made. The order shall state reasons for the decision. If the request is denied, the requester may submit a written statement contesting the information in the record. The School District shall place the statement with the record, if possible, and disclose the statement whenever the contested record is disclosed.

Utah Code § 63G-2-603(5), (6) (2008)

Notice to Provider of Information—

The District shall post a notice and explain upon request to a person who is asked to furnish information that could be classified as a private or controlled record:

1. The reasons the person is asked to furnish information that could be classified as a private or controlled record;
2. The intended uses of the information;
3. The consequences for refusing to provide the information; and
4. The reasons and circumstances under which the information may be shared with or provided to other persons or governmental agencies.

Utah Code § 63G-2-601(2), (3) (2008)

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Public Complaints

Presentation in hearings procedure—

In most circumstances, citizens shall be entitled to administrative conferences and informal presentations of the complaint to the Board. Citizen complaints shall be handled as follows:

1. Complaints shall initially be discussed with the appropriate administrator within 15 calendar days of the event or action that is the subject of the complaint.
2. If the complaint is not resolved, the citizen may request a conference with the Superintendent or Superintendent's designee. Prior to the conference with the Superintendent or designee, the citizen shall submit a written complaint that includes a description of the complaint, the solution sought, and the date of the conference(s) with the administrator.
3. If the outcome of the conference with the Superintendent or designee is not to the citizen's satisfaction, the citizen may present the complaint to the Board at the next regular meeting.

The Board shall designate a portion of its regular monthly meeting to hear citizen complaints. The Board may set reasonable time limits on complaint presentation. The Board shall listen to the complaint but is not required to respond or take action on the matter unless the complaint is from an aggrieved party, as defined below.

Aggrieved parties—

An “aggrieved party” is a citizen who has allegedly suffered a violation of a constitutional, statutory, or common law right, or a violation of a rule adopted by the State Board of Education or public complaint policy adopted by the Board.

Notice—

An aggrieved citizen shall make a written request for a hearing, identifying specifically the claimed violation and the relief requested. The written request shall be deemed filed upon receipt by the Superintendent's office. Failure of the citizen to file such a request within 30 days of the claimed violation shall be deemed a waiver by the citizen of his or her rights to contest the alleged violation.

The hearing—

Aggrieved parties shall, upon proper request, be afforded a hearing before the Board in accordance with applicable law. However, this provision shall not be construed to create an independent right to a hearing before the Board in addition to hearings required by law. The Board shall conduct a hearing for aggrieved parties within 30 days of receipt of a written request for a Board hearing, unless the hearing is postponed by mutual consent. The Board shall notify the aggrieved citizen in writing of the time and place of the hearing.

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Closed meeting—

If the complaint involves complaints or charges about an employee of the school district, the complaint shall be heard by the Board in a closed meeting unless the employee allegedly involved in the complaint requests a public meeting to review the complaint.

Utah Code § 52-4-205(1)(a) (2022)

Notice of decision—

The Board shall notify the aggrieved citizen of its decision in writing within 15 days after the hearing.

Exceptions—

Complaints for which other resolution procedures are provided shall be directed through those channels.

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Board of Education Hotline

Establishment of Hotline—

The Board of Education has established a hotline to provide an avenue for citizens, including District employees and contractors, to report improper governmental activities including:

1. Waste or misuse of public funds, property, or manpower
2. Violations of a law, rule, or regulation applicable to the government
3. Gross mismanagement
4. Abuse of authority
5. Unethical conduct

Utah Admin. Rules R277-113-6(2) (November 10, 2020)

Filing a Complaint—

Complaints should be submitted in writing using the attached form. Complainants should also submit any evidence that supports the complaint. Essential information includes specifics on "who, what, where, when" as well as any other details that may be important such as information on other witnesses, documents, and pertinent evidence. Due to limited resources the Board of Education is unable to accept complaints that are not supported by evidence or provide a means for us to investigate the problem further. At a minimum, please use the form as a guide to ensure the necessary information is provided. Submit complaints via the following methods:

Email: [hotline email address]

US Mail: [hotline mailing address]

Complainants may call the hotline at [hotline phone number] for more information.

Processing of Hotline Complaints—

1. After receipt of the complaint, the [internal auditor] will review the allegation and any evidence provided by the complainant. The list below represents some of the factors that are considered during the screening and prioritization process.
   a. Does the complaint involve actions by a person subject to the Board of Education's authority?
   b. Does the complaint pertain to improper governmental activities? Disagreements with administration decisions or actions taken by Board members that are within the law will not be investigated.

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   c. Has the complainant taken appropriate steps to resolve the issue with the District? If the District is not responsive, the concern relates to District administration, or the complainant desires anonymity, consideration will be increased.
   d. What is the timing and frequency of alleged improper activity? Allegations of improper activities that are recent and/or on-going may receive a higher priority.
   e. Should the allegation be investigated by another entity? Are there other agencies that have oversight of the complaint? Is a member of the Board of Education or the audit committee being accused?
   f. Can the complaint be efficiently and effectively investigated? Overly broad or vague complaints or complaints where evidence is unavailable may be declined or receive a low priority.
2. The [internal auditor] communicates to the Audit Committee:
   a. The allegation of the complaint
   b. Any facts supporting or refuting the complaint
   c. A recommendation based upon preliminary inquiry
3. The Audit Committee decides the appropriate next action (if a member of the Audit Committee is the subject of the complaint they may not be included in this process):
   a. Discontinue the investigation
   b. Continue with the investigation
   c. Refer the investigation to another agency
4. If the investigation proceeds, the Audit Committee sets the following:
   a. Time and resource budget
   b. Scope of the audit
5. [internal auditor] completes the audit
6. [internal auditor] creates a report outlining the work performed and conclusions
7. [internal auditor] provides the report to the Audit Committee
8. The Audit Committee reports investigation results to the Board of Education (if a separate audit committee exists).
9. The Board of Education addresses any findings noted in the report

Whistleblower Protection—

Utah Code § 67-21-3 prohibits public employers (such as the District) from taking retaliatory action against their employees for reporting government waste or

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violations of law in good faith, to the appropriate authorities. A District employee is presumed to have communicated in good faith if the employee has given written notice or otherwise formally communicated the conduct to the Board of Education, a member of the Board of Education, the Superintendent, or to a government official with authority to audit the District.

Utah Code § 67-21-3(1)(a), (b)(vi) (2022)

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HOTLINE REPORTING FORM

Email completed form to:

[hotline email address]

or Mail to:

Board of Education of _____ School District

Attn: [internal audit]

[Board of Education mailing address]

Complainant Information:

Complainant to remain anonymous? Yes ____ No _____

Complainant would like a response? Yes ____ No _____

Complainant Name: _____

Check One

Elected Official _____

District Employee _____

Citizen/Contractor _____

Date Submitted _____

Home Address _____

Phone/cell/email _____

Work Address and information (if applicable) _____

_____

_____

Information Concerning the Complaint (Please complete one form for each separate complaint)

Each improper action should be noted separately and supported with reliable and sufficient evidence. Supplying detailed information contributes to a thorough and efficient investigation. This form is designed to help you supply the needed information.

Who is the person(s) the complaint is against? (Please provide name, position, and phone #)

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Who is the above person's supervisor? (Please provide name, position, and phone#)

What is the assertion of improper governmental activity? Please describe in detail.

When did the event(s) take place? Please include dates, time, and frequency.

Where did the event(s) occur?

Are there any other persons who might provide information or who witnessed the event? If so, what are their names, positions, and their contact information?

Is there evidence that can be examined or documentation that can be reviewed? (Please provide any available documentation)

How do you know about the improper action? Did you see it occur? Did you see documentation indicating it occurred? Did you hear about it from someone else?

What specific law or state regulation has been violated?

Please attach to the email supporting documentation, details and ANY and ALL other information available to support the complaints or concerns.

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Community Use of School Facilities

Civic Center—

Public school buildings and grounds are civic centers and shall be used by District residents for supervised recreational activities and meetings, subject to the requirements and restrictions set forth below. Use of school property as a civic center may not interfere with a school function or purpose and is considered a "permit" for governmental immunity purposes.

Utah Code § 53G-7-209 (2018)

Civic Center Use Limited to District Residents—

School buildings and grounds are only available for civic center use to organizers who are residents of the District. Requests for civic center use must be accompanied by appropriate documentation of the requester's residence within the District.

Utah Code § 53G-7-209(4) (2018)

Fees for Use of School Property for Civic Center Purposes—

The Board may set and charge a reasonable fee for the use of school property as a civic center to fully compensate the District for any and all expenses incurred in that use. The fee charged may take into account increased overhead expense, including utilities, personnel, and other areas affected by use of the facilities.

Utah Code § 53G-7-210(2)(c) (2018)

Special Functions Officer—

The Board may appoint a District security officer or student resource officer as a special functions officer. The special functions officer shall have charge of the grounds and shall take reasonable measures to protect school property when used for civic center purposes.

Utah Code § 53G-7-210(2)(d) (2018)
Utah Code § 53-13-105(1)(b)(v) (2022)

Duties of School Principal—

The Principal, subject to approval of the Superintendent, shall allow the use of school facilities and shall also be responsible for collection of monies, notification of personnel involved (custodian, lunch manager, or technician), and the determination of free use of the building according to policy.

Rental of School Facilities—

The rental of school facilities for other than school use shall be according to the following guidelines:

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1. Application for rental will be made with the principal of the school. Application requires the signatures of the applicant, principal and Superintendent.
2. Rental rates will be determined according to the rental rate as approved by the Board of Education.
3. Payments will be collected by the Principal, recorded, and sent to the District Office with a copy of the original application.
4. Cancellations will be reported to the District Office.
5. Personnel charges will be added according to the rates listed on the rental schedule.
6. The Principal shall submit to the District a report of the use of building or grounds.
7. The Principal shall report questionable use or activity connected with rental of facilities.
8. A certificate of liability insurance is required with limits of not less than $500,000. The District shall be named as an additional insured. (This provision (8) can only be waived in writing by the Board of Education.) A Hold Harmless Agreement shall also be entered into.

Supervision—

The principal shall be responsible for adequate supervision of the school during rental hours. Any non-school group occupying school property shall provide adult supervision adequate to maintain order and prevent the destruction of school property. Facilities shall not be available at the time of use unless the supervisor or supervisors are present as agreed. At the time of rental, arrangements shall be made for adequate supervision. School supervision shall consist of a minimum of one custodian to care for the interest of the District and its property. In the absence of the principal, the custodian shall be in complete charge of the building and grounds.

Supervision and Use of Equipment, Building and Grounds—

Arrangements for adequate supervision shall be made in keeping with the use for which the rental is made to ensure proper conduct in and around the building and the proper care of the school and its equipment.

Inadvisable Uses—

The Board may refuse to permit the use of school property as a civic center if it determines the use interferes with a school function or purpose.

Utah Code § 53G-7-209(3) (2018)

Standards of Behavior—

The principal of the school shall accept application from only those groups who can assure adherence to the standards of behavior of the school. Tobacco,

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electronic cigarette products, intoxicating drinks, and boisterous conduct are expressly prohibited. The following will not be tolerated and are expressly prohibited by the Board:

1. vandalism;
2. use without consent, or abuse of school furniture or other school property; and,
3. misappropriation or abuse of books, supplies, or athletic equipment belonging to the school or to its students. School athletic equipment may only be used with prior approval of the principal.

Use of Practice Fields and Other School Ground Facilities—

The use of school ground facilities will be allowed at no cost provided fields are not abused or used during extremely wet conditions or other times when the field would be damaged.

Community groups such as Little League Football will be allowed to use specified areas of the school grounds as approved by the Principal.

Due to excessive use of the regular playing fields within the regular school program, the necessity of keeping certain playing fields in top condition for school league play, makes the regular use of these fields by non-school groups impractical.

High school stadiums are available to community organizations; however, the stadiums shall not be used at any time that would interfere with a school function or purpose.

Any other equipment rental requests shall be made to the Principal; such requests shall be granted upon the approval of the Principal.

Political Signs on School Property—

A “political sign” is any sign or document that advocates the election or defeat of a candidate for public office or the approval or defeat of a ballot proposition. Schools and the school district are not required to allow the posting of political signs on school property. However, if the district or a district administrator or their designee posts or permits the posting of a political sign on school property, then the district shall also permit the posting of all other political signs, subject to the same requirements and restrictions. Any requirements or restrictions placed on the posting of political signs must be politically neutral and content neutral.

Approval for posting of a political sign may only be given by a building principal or higher-level administrator, or the designee of such an administrator.

Utah Code § 20A-17-103 (2015)

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Conduct on School Premises

Modified public forum—

All school buildings have been designated as modified public forums after school hours. However, during school hours all school buildings are dedicated to the sole and exclusive purpose of providing education to school students then attending school. No visitor, whether a student's parents or other persons, shall have access to a school unless express permission is granted as provided below.

Campus visitors—

All persons who are not students or District employees who visit or enter upon school property shall report immediately to the school administrative offices for authorization by the Principal or his or her designee to be present at the school.

Authorization shall not be given if the Principal or his or her designee determines in his or her discretion that one of the following is true:

1. The person's presence will likely cause fear for the safety of another.
2. The person intends to cause annoyance or injury to a person or damage to property on the school property.
3. The person intends to participate in or instigate conduct or activity which constitutes a crime.

Each school shall, through the use of signs and fences or other enclosures, exclude trespassers from the school ground.

In the absence of express permission, all visitors to the school shall be deemed to be trespassers on school property and subject to immediate removal by the school district.

Definitions—

For purposes of this provision, "school property" means real property owned or occupied by a school, including real property temporarily occupied for a school activity or program.

Utah Code § 53G-8-603(2)(c) (2018)

Trespassing—

The Board, a school official, or an individual with apparent authority to act for a school official may refuse to allow persons having no legitimate business to enter on property under the Board's control and may eject any undesirable person from the property on his or her refusal to leave peaceably on request. Identification may be required of any person on the property.

An individual is guilty of criminal trespass upon school property if the individual does either of the following:

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1. Enters or remains without authorization on school property if notice against such entry or remaining has been given by (a) personal communication by a school official or an individual with apparent authority to act for a school official, or (b) the posting of signs reasonably likely to come to the attention of a trespasser, or (c) fencing or other enclosure obviously designed to exclude trespassers, or (d) a current order of suspension or expulsion.
2. Enters or remains unlawfully upon school property and (a) intends to cause injury or annoyance to a person or damage to property, or (b) intends to commit a crime, or (c) is reckless as to whether the person's presence will cause fear for the safety of another.

Criminal trespass on school property is a class B misdemeanor.

Utah Code § 53G-8-603 (2018)

Disruption of classes—

No person shall be permitted, on school property, to willfully disrupt, alone or in concert with others, the conduct of classes or other school activities.

Utah Code § 53G-8-603 (2018)

Conduct which disrupts the educational activities of a school includes:

Emissions by any means of noise of an intensity which prevents or hinders classroom instruction.

Enticement or attempted enticement of students away from classes or other school activities which students are required to attend.

Prevention or attempted prevention of students from attending classes or other school activities which students are required to attend.

Entrance into a classroom without consent of either the principal or teacher and either through acts of misconduct and/or use of loud or profane language causing disruption of class activities.

Disruption of school operation—

No person may disrupt the operation of a school. A person is guilty of disrupting the operation of a school if the person, after being asked to leave by a school official, remains on school property for the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

Utah Code § 76-9-106 (1992)

Examples of disrupting operation of a school include:

Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building, or while on school property, without authorization from school administration.

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Seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity.

Disruption of meeting or gathering—

No person may disrupt a lawful meeting or gathering on the property of any school in the District. A person is guilty of disrupting a meeting if, intending to prevent or disrupt a lawful meeting or gathering, he or she obstructs or interferes with the meeting or gathering by physical action, verbal utterance, or any other means.

Utah Code § 76-9-103 (1973)

Disorderly conduct at official meeting—

"Official meeting" includes a meeting of the Board of Education or of a school community council. No person may, with intent to cause or recklessly creating a risk of causing public inconvenience, annoyance, or alarm, make unreasonable noises in a public meeting, or in a private place which can be heard in an official meeting. No person may, with intent to cause or recklessly creating a risk of causing public inconvenience, annoyance, or alarm, obstruct pedestrian traffic in an official meeting. No person may refuse to comply with the lawful order of a law enforcement officer to move from an official meeting. Such actions constitute disorderly conduct and may be reported to law enforcement.

Utah Code § 76-9-102(1), (2) (2020)

Alcoholic beverages—

Except as approved by the Board as part of the curriculum, no person may possess any alcoholic beverage for consumption, sale, or distribution, or be under the influence of alcohol while on the grounds or in a building of any school in the District or while entering or inside any building, park or stadium which are being used for an activity sponsored by or through any part of the District.

Utah Code § 53G-8-602 (2018)
Utah Code § 76-9-701 (2021)

Tobacco products and electronic cigarettes—

The use of tobacco products and electronic cigarette products is prohibited on school property or at school activities. (Electronic cigarette products are defined in Utah Code § 76-10-101.)

Weapons or dangerous materials—

No person shall possess a dangerous weapon that in the manner of its use or intended use is capable of causing death or serious bodily injury or a firearm on or about school premises except:

1. Persons exempt from weapons laws by state statute (law enforcement officers and others).

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Utah Code § 76-10-523 (2021)

2. Persons authorized to possess a concealed firearm by state statute (concealed weapons permit holders). (However, persons under age 21 with a concealed firearm permit or provisional concealed firearm permit are not permitted to carry a concealed firearm on or about school premises.)

   Utah Code § 53-5-704 (2022)
   Utah Code § 53-5-705 (2010)
   Utah Code § 53-5-710(2) (2021)

3. Persons whose possession has been previously approved by the responsible school administrator, or where the person responsible for the possession or use of the weapon is in possession or control of the weapon and it is present or to be used in connection with a lawful, approved activity.

"On or about school premises" means in or on the grounds of any District school. However, possession on or about school premises is permissible if the possession is at the person's place of residence, on the person's real property, or in a vehicle lawfully under the person's control (other than a vehicle owned by the school or used for the transport of students).

Possession of a dangerous weapon on or about school premises is a class B misdemeanor. Possession of a firearm on or a about school premises is a class A misdemeanor.

Utah Code § 76-10-505.5 (2021)

No person shall possess an explosive, chemical, or incendiary device or parts, as defined in Utah Code § 76-10-306, dangerous to persons or property on any District property or in those parts of a building, park, stadium or other structure which are being used for an activity sponsored by or through the District. Unlawful possession of the items or materials in the circumstances prohibited by this section is a criminal offense punishable under state law.

Utah Code § 76-10-306 (2010)

Restrictions on use of electronic devices—

The following definitions apply for this section.

1. "Electronic device" means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including:

   a. a smart phone

   b. a smart or electronic watch;

   c. a tablet; or

   d. a virtual reality device.

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2. "Guest" means an individual who is not a student, employee, or designated volunteer of a District school who is on school property or at the site of a school-sponsored activity or event.
3. "Inappropriate matter" means pornographic or indecent material as defined in Utah Code § 76-10-1235(1)(a).

Utah Admin. Rules R277-495-2(2), (3), (4) (April 8, 2019)
Utah Admin. Rules R277-495-4(1)(a) (April 8, 2019)

Guest use of an electronic device on school premises, at a school-sponsored activity, or by use of school connectivity to access inappropriate matter is prohibited. It is also illegal, may have criminal consequences, and shall be reported to law enforcement.

Utah Admin. Rules R277-495-4(1)(c), (3)(a) (April 8, 2019)
Utah Code § 76-10-1235 (2007)

Guests are prohibited from using any electronic device on school premises or at a school-sponsored event in any way which would cause invasions of the reasonable privacy expectations of others. Guests are specifically prohibited from making any type of recording (still photo, video, or audio) in private areas such as locker rooms, washrooms, and dressing areas. The prohibition against using an electronic device in a way that invades the reasonable privacy interests of others also includes using an electronic device carried by a student that allows a guest or parent to monitor the student and those around the student through audio or video means. Such monitoring is prohibited.

Utah Admin. Rules R277-495-4(4)(a) (April 8, 2019)
Utah Code § 77-23a-4 (2011)

While on school premises, at a school-sponsored activity, or when using school connectivity, guests are prohibited from using an electronic device to bully, humiliate, harass, or intimidate students, school employees, or other guests, and from using electronic devices in any way which violates local, state, or federal laws.

Utah Admin. Rules R277-495-4(1)(b) (April 8, 2019)

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Community Support Groups

Relations with community support groups—

For purposes of this Policy, all student booster groups, parent booster groups or other community groups whose aims or goals include in part to further the goals of the School District shall be referred to as “Community Support Groups.”

In the absence of a specific written authorization by the Superintendent, no Community Support Group is authorized to act on behalf of or represent the School District. Any implication of actual or apparent agency of such Community Support Groups to act on behalf of the School District is hereby negated and specifically rejected.

Use of school district name or insignia—

No organization shall be entitled to use any School District insignia, designation or name without the express written permission from the Superintendent of the School District. All written material of a non-School District organization listing or using, in any capacity, a School District or individual school name, must also contain a disclosure that the organization does not act on behalf of the School District or individual school unless express written permission has been granted by the Superintendent of the School District to do so.

Volunteer workers—

An individual volunteer worker who has been retained by a Community Support Group does not have any authority to bind or to represent or act on behalf of the School District unless otherwise specifically indicated in writing by the Superintendent of the School District.

Liability insurance—

No individual, corporation or association or other entity shall be covered under the School District's insurance policies and/or State Risk Management policies unless State Risk Management has specifically undertaken responsibility for such activities. All persons who are solicited and undertake to perform services at the request of a Community Support Group should look solely to that Community Support Group for any insurance coverage or coverage of risks.

Discipline problem—

In the event that a volunteer of a Community Support Group undertakes to perform services on behalf of the School District at the request of the Community Support Group, such volunteer shall report all discipline problems related to School District students or employees to the School District for oversight and correction.

Community support group use of school facilities—

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A Community Support Group may use the school facilities under the same circumstances and conditions as identified in Policy GC above. However, the School District may, within its discretion, waive fees for use of the school building by such Community Support Group.

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Parental Participation

Parental involvement in the school—

The involvement of parents in the education of children directly affects the success of their children's educational efforts. It is District policy that teachers and administrators should facilitate the active involvement of parents in the education of their children. Teachers and administrators shall communicate with the parents of children with regard to whom the teachers and administrators have responsibility by (a) maintaining a means of answering telephone calls and emails or receiving visits from parents during the school day at times mutually agreed upon by parents and school personnel; (b) conducting parent-teacher-student conferences at regular intervals and conducting additional conferences when requested to the extent permitted by available time within the school day and by other responsibilities; (c) informing parents of resources in the community, including groups and organizations that may provide instruction and training to parents to help improve their children's academic success and support their academic efforts; and (d) encouraging attendance by parents at school events in which parent participation is appropriate.

Utah Code § 53E-2-303 (2022)

Communication and Assistance to Students Learning English—

In communicating with and assisting students learning English, their parents, and their families, the District's schools shall use interpreters as is appropriate for:

1. classroom activities,
2. impromptu and scheduled office visits or phone calls,
3. enrollment or registration processes,
4. the IEP process,
5. student educational and occupational planning processes,
6. fee waiver processes,
7. parent engagement activities,
8. student disciplinary meetings,
9. school community councils,
10. school board meetings,
11. other school or District activities, and
12. other interactions between the parents of a student learning English and educational staff.

Utah Code § 53G-7-223(2)(a) (2022)

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The District's schools shall also use a translator or interpreter when appropriate for the translation or interpretation of:

1. registration or enrollment materials, including home language surveys and English,
2. learning program entrance and exit notifications,
3. assignments and accompanying materials,
4. report cards or other progress reports,
5. student discipline policies and procedures,
6. grievance procedures and notices of rights and nondiscrimination,
7. parent or family handbooks, and
8. requests for parent permission.

Utah Code § 53G-7-223(2)(b) (2022)

When preferable, the District's schools shall also use oral interpretation rather than written translation to improve instruction and assistance by teachers, counselors, and administrators to a student learning English and the student's parents and family.

Utah Code § 53G-7-223(2)(c) (2022)

In making use of interpretation and translation services, the District's schools shall consider the preferred method of communication of the student and the student's family, may make use of assistance from community organizations to assist, and shall consider guidance and technical assistance provided by the Utah State Board of Education.

Utah Code § 53E-2-303(3)(b)(ii)(B) (2022)
Utah Code § 53G-7-223(3) (2022)

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Child Care

Childcare centers in public schools—

Upon receiving a request from a community group such as a community council, local PTA or student/parent organization, the Board may authorize the use of a part of any school building in the district to provide child care services for school aged children. The Board shall provide written public notice of its intent to authorize a childcare center. The Board shall file a copy of this Notice with the Office of Child Care within the Department of Workforce Services and the Department of Health.

Utah Code § 53G-7-213(1) (2019)

Approval—

The Board may only exercise its discretion to authorize establishment of a childcare center in a public school building upon determining that the childcare center will not interfere with the building's use for regular school purposes.

The determination to open a childcare center in a school building of the District shall be made at the sole discretion of the Board.

Utah Code § 53G-7-213(2) (2019)

Withdrawal of approval—

After granting approval to operate a childcare center, if the Board determines that such operation interferes with the operation or interest of the school, then it may withdraw its approval. Withdrawal of the Board's approval for operation of a child care center will be made in good faith but may be made at any time.

Utah Code § 53G-7-213(2) (2019)

Costs and fees—

The Board will charge a commercially reasonable fee for the use of a school building or a part of a school building as a childcare center so that the District does not incur an expense. The fee shall include but not be limited to costs for utilities, building maintenance and administrative services supplied by the school or District and related to the operation of the childcare center. The Superintendent shall determine the amount of the fee to be charged. The amount of the fee may be changed at any time by the District to reflect increases or decreases in costs incurred by the District from the operation of the childcare center.

Utah Code § 53G-7-213(3) (2019)

Operation—

The childcare facility may be operated by governmental agencies other than the District, non-profit community service groups or private providers. If competitive proposals to provide child care services are submitted, the Board will give preference to any private provider or non-profit community service groups insofar as

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their proposals are judged to be at least equal to the proposal of any governmental agency in order to minimize state and district involvement.

Utah Code § 53G-7-213(4) (2019)

Compliance with laws, regulations and district policies—

District involvement in the operation of the childcare facility shall be minimal. District administration shall require that the provider operate within all applicable legal requirements. Childcare centers established pursuant to this policy shall operate in compliance with State and local laws and regulations including zoning and licensing requirements and shall comply with the policies of the District.

Utah Code § 53G-7-213(4)(c), (8) (2019)

Priority—

A childcare center within a public school building must make its services available to all children regardless of the residence of those children. However, if space and resources in the facility are limited, first priority shall be given to those children who reside within the school boundaries of the school where the child care facility is located and to the children of teachers and other employees of the school where the child care center is located. Second priority shall be given to those children who reside within District boundaries.

Utah Code § 53G-7-213(6) (2019)

Insurance—

Prior to commencing an operation of a center, the provider must furnish proof of liability insurance which is adequate in the opinion of the Board for use of school property as a childcare center. If the District is participating in the State Risk Management Fund, it must require the provider of childcare services to comply with the applicable provisions of Title 63A, Chapter 4, Risk Management.

Utah Code § 53G-7-213(7) (2019)

Limited Application—

Except for the paragraph regarding compliance with laws, regulations and District policies, this policy does not apply to child care centers established by the District within a school building if the center offers child care services primarily to children of District employees or children of students of the District.

Utah Code § 53G-7-213(9) (2019)

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Political Party Use of School Meeting Facilities

Meeting facility use by political parties—

Meeting facilities in District buildings are available for use by registered political parties subject to compliance with the requirements and conditions of this policy.

Utah Code § 20A-8-404(1) (2019)

Scheduling requirements—

A political party desiring to use meeting facilities in a District building must request the use before 5:00 p.m. no later than 30 days in advance of the proposed use. The request shall be denied if the meeting facility is already scheduled for another purpose at the time of the requested use by the political party. Each District employee responsible for scheduling the use of buildings with meeting facilities shall, to the extent possible, avoid scheduling an event in such buildings on the same evening as an announced party caucus meeting.

Utah Code § 20A-8-404(1), (4) (2019)

Fees for meeting facility use by political parties—

The political party shall pay the District the actual costs incurred by the District for custodial services to clean the meeting facilities after the political party's use. In addition, the political party shall pay the District the actual cost of any services requested by the political party and provided by the District.

Utah Code § 20A-8-404(3) (2019)

Duties of school principal—

The Principal, subject to approval of the Superintendent, shall coordinate the use of school meeting facilities and shall also be responsible for collection of monies, notification of personnel involved (custodian, lunch manager, or technician), and the determination of eligibility for use of the facilities under this policy.

Supervision—

The principal shall be responsible for adequate supervision of the school during meeting facility use. Any political party using school meeting facilities shall provide adult supervision adequate to maintain order and prevent the destruction of school property. Facilities shall not be available at the time of use unless the supervisor or supervisors are present as agreed. At the time of scheduling, arrangements shall be made for adequate supervision. School supervision shall consist of a minimum of one custodian to care for the interest of the District and its property, but the political party may not be charged for the custodian's service other than as provided for above. In the absence of the principal, the custodian shall be in complete charge of the meeting facilities.

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Standards of Behavior—

Tobacco, electronic cigarette products, intoxicating drinks, and boisterous conduct are expressly prohibited. The following will not be tolerated and are expressly prohibited by the Board:

1. vandalism;
2. use without consent, or abuse of school furniture or other school property; and,
3. misappropriation or abuse of books, supplies, or athletic equipment belonging to the school or to its students.

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Parent Rights to Academic Accommodations

Meaning of "reasonably accommodate"—

As used in this policy, "reasonably accommodate" means that a school shall make its best effort to enable a parent to exercise a right identified in this policy (1) without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises and for school activities, and the efficient allocation of expenditures; and (2) while balancing (a) parental rights, (b) the educational needs of other students, (c) academic and behavioral impacts to a classroom, (d) teacher workload, and (e) the need to assure safe and efficient school operation. In determining whether a parental request will be accommodated in a particular instance, each of the above-listed factors should be considered.

Utah Code § 53G-6-801(2) (2019)

Parent rights to academic accommodations—

The District recognizes that a student's parent is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent. As such, a student's parent has the right to reasonable academic accommodations from the student's school as specified in this policy. The listing of rights in this policy is not meant to be exhaustive, and a student's parent, as a user of the public education system, may have other rights or be entitled to other accommodations. Whether under this policy or otherwise, each requested accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student. An accommodation may only be provided if the accommodation is consistent with federal law and, if the student has an Individualized Education Program ("IEP"), is consistent with the IEP.

Utah Code § 53G-6-803(1) (2020)

Academic accommodations—

Each school in the District shall reasonably accommodate the request of a student's parent:

1. made in writing to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or social, emotional, or physical maturity;
2. regarding initial selection of a teacher or request for a change of teacher;
3. to visit and observe any class the student attends;
4. made in writing to place a student in a specialized class, a specialized program, or an advanced course (the school shall consider multiple academic data points when considering this requested accommodation); and

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5. to meet with a teacher at a mutually agreeable time if the parent is unable to attend a regularly scheduled parent teacher conference (see Policy EFA regarding parent-teacher conferences).

Utah Code § 53G-6-803(2)-(4), (6), (8) (2020)

Parent rights regarding alternative credit and testing—

Students shall be allowed, consistent with requirements of the State Board of Education, to earn course credit toward high school graduation without completing a course in school by either testing out of the course or demonstrating competency in course standards.

Utah Code § 53G-6-803(7) (2020)

Parent rights regarding assessments—

At the request of a parent, a student shall be excused from taking such assessments as provided for in regulations issued by the Utah State Board of Education and according to the procedures in those regulations. Schools may not require procedures to be excused from assessments in addition to the procedures established by State Board regulations. Schools may not provide a nonacademic reward to a student for taking assessments that are included in the list of assessments established by the State Board as assessments from which students may be excused.

Utah Code § 53G-6-803(9) (2020)

Parent rights regarding student absences—

A school shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if (1) the parent submits a written statement at least one school day before the scheduled absence and (2) the student agrees to make up course work for school days missed for the scheduled absence in accordance with District policy.

Utah Code § 53G-6-803(5) (2020)

Parent rights regarding student discipline—

As required by Policy FHA, parents will be provided a copy of that policy (which is the student conduct and discipline policy) and shall acknowledge by signature receiving the policy. When a student is suspended for any period of time or is recommended for expulsion, the student's parent shall be provided notice of the violation or violations upon which disciplinary action is to be based and shall have an opportunity to respond as set forth in Policy FHA.

Utah Code § 53G-6-803(10) (2020)

Notice of parent rights—

Each student's parent shall be given annual notice of the parental rights and school responsibilities under this policy. This notice may be given by posting it on the District or school web site or through other means of electronic communication.

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Utah Code § 53G-6-802 (2019)

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Animals On School Premises

Animals Permitted Only Pursuant to this Policy—

Privately owned animals are only permitted on school premises with written consent from the principal or superintendent or designee except as specified by this policy.

Definitions—

The following definitions apply in this policy:

1. "Service animal." A dog that is individually trained to do work or perform tasks for the benefit of a person with a disability. The work or tasks performed by the service animal must be directly related to the person's disability and do not include providing emotional support, well-being, comfort, or companionship.

   28 CFR § 35.104

2. "Disability." Disability is defined or determined according to the provisions of the Americans With Disabilities Act ("ADA"), the Individuals With Disabilities Education Act ("IDEA"), and Section 504 of the Rehabilitation Act ("Section 504"), together with implementing regulations.

3. "Direct threat." A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services.

   28 CFR § 35.104

4. "Emotional support animal." A domesticated animal other than a non-human primate that is individually necessary for the emotional support, well-being, comfort, or companionship of an individual with a disability. The tasks performed by the animal must be directly related to the individual's disability.

General Standards Regarding Animals Serving Individuals With Disabilities—

The District is committed to providing equal access for individuals with disabilities to its programs, services, and activities, including access for service animals assisting those individuals, as required by applicable laws and regulations. While the District may establish safety requirements as needed for safe operation of its services, programs, or activities, it recognizes that such requirements must be based on actual risks and may not be based on speculation, stereotypes, or generalizations about people with disabilities.

Service Animals—

The use of service animals by individuals with disabilities shall be allowed on all portions of school premises where the individual would be permitted as a member of the public, an employee, or student, as applicable, subject to the following:

1. The individual may be required to remove the animal from the premises if:

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a. The animal is out of control and the animal's handler does not take effective action to control it; or

b. The animal is not properly housebroken.

2. The school is not responsible for the care or supervision of the animal.
3. The animal must be under the handler's control. This means a harness, leash, tether, voice control, signals, or other effective means of control.
4. Except in circumstances where the animal's training and function is immediately apparent, the school may ask (1) if the animal is required because of a disability and (2) what work or task the animal is trained to perform. The school may not ask about the nature or extent of the individual's disability and may not require documentation establishing that the animal is trained as a service animal.
5. The school shall not impose any fee or charge regarding service animals' presence on school premises; however, in instances where individuals may be charged for damage to school property, charges may be made for damage to school property caused by service animals.

28 CFR § 35.136
Utah Code § 62A-5b-104(3) (2019)

Service Animals In Training—

An individual who does not have a disability may be accompanied by a dog in training to become a service animal or to become a police service canine, subject to the requirements and standards relating to service animals outlined above.

Utah Code § 62A-5b-104(2) (2019)

An individual accompanied by a dog in training is liable for any loss or damage the dog causes to the school premises.

Utah Code § 62A-5b-104(3) (2019)

Miniature Horses—

The District shall make reasonable modifications to its policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the horse has been individually trained to do work or perform tasks for the individual with the disability, subject to the requirements and standards relating to service animals outlined above. In determining whether the District's policies, practices, or procedures can be reasonably modified to permit this use, the school shall consider:

1. The type, size, and weight of the miniature horse and whether the school can accommodate these features;
2. Whether the handler has sufficient control of the horse;
3. Whether the horse is housebroken; and

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4. Whether the horse's presence in the school compromises legitimate safety requirements necessary for safe school operation.

   28 CFR § 35.136(i)

Emotional Support Animals—

The use of an emotional support animal (or "comfort animal") is considered a request for a reasonable accommodation under the ADA or Section 504. Such a request must be supported by recent, reliable, objective medical documentation. In addition, documentation may be required to address legitimate safety requirements necessary for the safe operation of the school's programs, services, or activities. Only domesticated animals will be considered as emotional support animals. The use of emotional support animals on school premises is also subject to the requirements and standards relating to service animals outlined above except for the limitation on inquiries.

Evaluation Prior to Denial—

To the extent possible, before denying access to an animal asserted to be a service animal, service animal in training, covered miniature horse, or emotional support animal, District staff shall consult with the District Risk Coordinator and the Risk Coordinator shall consult with State Risk Management and as needed with District legal counsel. If consultation is not possible, District staff shall make the access determination based on this policy and shall thereafter consult.

Questions about the application of this policy to specific circumstances or requests requiring special consideration should be directed to the District Risk Coordinator, District personnel responsible for compliance with law relating to individuals with disabilities, and as needed to District legal counsel.

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School Climate Surveys

Definition—

For purposes of this policy:

"School Climate Survey" or "climate survey" means a survey that evaluates a range of aspects of the educational environment to assess perceptions and identify specific strengths and weaknesses within a school. While such a survey may include additional questions from the District (subject to compliance with Policy FEA and related statutes), it must include all of the questions identified in the Utah State Board of Education Model School Climate Survey.

"School Community" means relevant stakeholders, including parents, students, administration, school building staff (including teachers), and school resource officers

Utah Admin. Rules R277-623-2 (February 7, 2020)
Utah Admin. Rules R277-623-4(1), (2) (February 7, 2020)

Administration of Climate Survey—

Using a State Board of Education approved online provider, the District shall administer a school climate survey at least once every other year, in the opposite year from the Employee Engagement Survey. (See Policy DFC Employee Surveys.)

Utah Admin. Rules R277-623-4(3)(a), (5) (February 7, 2020)

The survey shall be administered to the District's school community in an anonymous and randomized way, using other languages relevant to the school community where possible and in a form which complies with the Americans With Disabilities Act. The survey shall be administered to staff at the school level, to each school in the District, and to the lesser of 400 students or 35% of the District's student population.

Utah Admin. Rules R277-623-4(3)(b) to (f), (6) (February 7, 2020)

The survey may be administered orally to a student if measures are put into place to protect the confidentiality of the student's responses, the student can upon request have a different person administer the survey than initially assigned, and if measures are put in to place to protect the confidentiality and identity of the survey administrator from the general public.

Utah Admin. Rules R277-623-4(4) (February 7, 2020)

Confidentiality of Survey Information—

The responses provided by adults to climate surveys are designated as private information under Policy GA and the Utah Government Records Access and Management Act and access to such information will be allowed only as permitted under that policy and statute. The responses provided by students to climate records

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are student records for purposes of Policy FE and FERPA and access to those records will be allowed only as permitted under that policy and statute.

Utah Admin. Rules R277-623-4(7) (February 7, 2020)

Access to Model Surveys—

The USBE Model School Climate Survey can be obtained at the Utah State Board of Education offices and online at:

https://schools.utah.gov/administrativerules/documentsincorporated

Utah Admin. Rules R277-623-3(2) (February 7, 2020)

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Parent Access to District Curriculum

Access to Curriculum—

The curriculum used by the District and the schools in the District shall be made readily accessible and available for parents to view. Parents of students enrolled in the District shall be given notice each year of how they may access and view the District's curriculum materials. The information on how to access and view the curriculum materials shall also be posted on the District's website.

Utah Code § 53G-4-402(24) (2021)

Parent Access to Online Course Learning Management Systems—

For purposes of this policy, the following definitions apply:

1. A "learning management system" is a software application for the administration, documentation, tracking, reporting, automation, or delivery of an online course.
2. An "online course" is a course that the District provides to a student over the Internet.

Utah Code § 53G-6-804(1) (2021)

The District shall provide to a parent of any student enrolled in an online course access to the learning management system for the course. The materials and information that the parent shall have access to shall include, at a minimum, the curriculum used for the course and information about the progress and learning of the parent's student, including assessment results. The District shall also provide the student and a student's parent with training or orientation to help them understand how to access the online management system, the online course, and any online tools used to deliver the online course or instruction.

Utah Code § 53G-6-804(2) (2021)

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School Community Councils

Formation of Community Councils—

Each school within the District shall, in consultation with the Board of Education, establish a school community council at the school building level.

A school or District administrator may not prohibit or discourage a community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.

The Board may ask school community councils for information to inform Board decisions and may also ask school community councils to address local issues at the school community council level before bringing those issues to the Board.

The Board shall report approval dates of required plans (listed below) to the State Board of Education.

Utah Code § 53G-7-1202(1)(d), (2) (2020)

Purposes of Community Councils—

The purposes of school community councils are to involve parents of students in decision making at the school level, improve the quality of education of students, prudently expend School LAND Trust Program money, and increase public awareness of school trust lands and related land policies, management of the State School Fund, and educational excellence.

Utah Code § 53G-7-1202(2) (2020)

Composition of Councils—

Each school community council shall consist of school employees (including the school's principal) and parents of students who are attending the school.

The recommended composition of school community councils for high schools is six (6) parent members and four (4) school employee members (including the principal). The recommended composition of school community councils for other schools is four (4) parent members and two (2) employee members (including the principal). The school community council is not required to have the recommended composition and can by majority vote of a quorum of the council determine how many members the council will have, provided that there are at least two (2) school employee members and there are at least two (2) more parent members than school employee members.

The number of parent members of a school community council who are not educators employed by the school district shall exceed the number of parent members who are educators employed by the school district. If, after an election, the number of parent members who are not educators employed by the school district

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does not exceed the number of parent members who are educators employed by the school district, the parent members of the school community council shall appoint one or more parent members to the school community council so that the number of parent members who are not educators employed by the school district exceeds the number of parent members who are educators employed by the school district.

Each community council shall elect a chair from its parent members and a vice chair from its parent members or school employee members other than the principal.

Utah Code § 53G-7-1202(4), (5)(j) (2020)

Notice of Available Community Council Positions—

At least 10 days before the date of a community council election, the principal of the school, or the principal's designee, shall provide notice to each school employee or parent of the opportunity to vote in, and run as a candidate in, the election. The notice shall include:

1. the dates, times, and location of the election;
2. a list of council positions that are up for election;
3. instructions for becoming a candidate for a community council position;
4. the location where a ballot may be cast; and
5. the means by which a ballot may be cast, whether in person, by mail, or by electronic transfer.

At least once per year, on or before October 20, the principal shall post on the school website an invitation to parents to serve on the school community council, the dollar amount the school receives each year from that program, a copy or link to the school's current Teacher and Student Success Plan, approved minutes of the school's council meetings for at least a year, a proposed council meeting schedule for the year; a means to directly contact the members of the school community council; a copy of or a link to the school's plan or final report for the most recent two years, consistent with Utah Code § 53G-7-1206; and a copy of or link to the school's current year plan.

Utah Code § 53G-7-1202(5)(c) (2020)
Utah Admin. Rules R277-491-3(1) (July 22, 2022)
Utah Admin. Rules R277-491-4(2) (July 22, 2022)

Selection of School Employee Members—

The principal shall serve as an ex officio member with full voting privileges. A school administrator may not serve as chair or vice chair of the school community council.

Employee members shall be elected by secret ballot by a majority vote of the school employees. The employee member election shall be held in the same season as the election for parent or guardian members. The principal, or the principal's

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designee, shall oversee the elections. Results of the election shall be made available to the public upon request.

If the number of employee candidates is less than or equal to the number of open employee positions, no election is required.

If an employee position on the council remains unfilled following an election or after appointment when no election is required, the other employee members of the council shall appoint an employee to fill the position.

Utah Code § 53G-7-1202(5)(a), (d), (e)(ii) (2020)

Selection of Parent Members—

Parent members shall be elected by secret ballot by a majority vote of those voting in an election held at the school. Only parents of students attending the school are eligible to vote in this election. However, when elections are held in the spring, parents of students who will be attending the school in the fall are eligible to vote and to be candidates. Ballots cast in this election shall be deposited in a secure ballot box.

If the number of parent candidates is less than or equal to the number of open parent positions, no election is required.

School community councils may establish procedures that allow for ballots to be clearly marked and mailed to the school in the case of geography or school distances that would otherwise discourage parent participation. Hand-delivered or mailed ballots shall meet the same timelines for voters voting in person. Schools may allow parents to vote by electronic ballot through a District-approved election process consistent with this policy. If a school allows voting by electronic means, the opportunity shall be clearly explained on the school's website including:

1. directions for electronic voting;
2. security provisions for electronic voting;
3. a statement to parents and community members that violations of a school's voting procedures may disqualify a parent's vote or invalidate an election, or both.

The principal, or the principal's designee, shall oversee the elections. Results of the election shall be made available to the public upon request. Following the election, the principal shall enter and electronically sign a principal's assurance on the School LAND Trust website, affirming the school community council's election, that unfilled positions were filled by appointment as necessary (consistent with Utah Code § 53G-7-1202(5)), and that the council's bylaws or procedures comply with law.

Utah Admin. Rules R277-491-4(1) (July 22, 2022)
Utah Admin. Rules R277-491-3(3)(a) (July 22, 2022)

Any parent who qualifies to be a candidate may file or declare himself or herself as a candidate for election to the council. An individual qualifies to be a

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candidate if she or he is the parent of a student who will be enrolled at the school during the parent's term of office; however, if the parent is also an educator employed at the school, the parent is not eligible to be a "parent" candidate or member of the council.

The election for the parent members shall be held in the spring or in the fall, as determined by each school's principal. However, once the election season has been determined, it must remain the same for at least four years before it can be changed.

Spring elections for parent members shall be scheduled by the principal on a date or dates such that the election is completed before the last week of school. For spring elections, the school community council shall attempt to notify the parents of incoming students of the opportunity to run for the council and shall provide those parents with the opportunity to vote in the election.

Fall elections for parent members shall be scheduled by the principal on a date or dates near the beginning of the school year.

If a parent position on the council remains unfilled following an election or after appointment when no election is required, the other parent members of the council shall appoint a parent who meets the above qualifications to fill the position.

Utah Code § 53G-7-1202 (2020)

Term of Office—

Elected or appointed members of the council shall serve a two (2) year term beginning either the first day of the school year (for spring elections) or on November 1 (for fall elections). However, terms shall be staggered so that no more than approximately half of council members stand for election in any one year. A member's term shall be extended as needed until his or her replacement's term begins (for example, to avoid a gap that would result from a shift from one election season to the other). A school community council member may serve successive terms so long as the member continues to meet the eligibility requirements to be a parent member or an employee member. If a change to a statute or regulation affects the composition of the council, a council member who was elected or appointed before the change may complete the term to which she or he was elected.

Utah Code § 53G-7-1202 (2020)
Utah Admin. Rules R277-491-3(4) (July 22, 2022)

Updating Council Membership—

By or before October 20 of each year, the principal shall enter the names of the council members on the state School LAND Trust Program website.

Utah Code § 53G-7-1202(5)(g) (2020)

Duties of Councils—

Each school community council shall advise and make recommendations to the school, school district administrators, and the local school board regarding the

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school and its programs, school district programs, and other issues relating to the community environment for students. School community councils shall report on a plan at least annually to the Board and shall cooperate with State Board of Education monitoring and audits. Councils may also advise and inform the Board and other members of the school community regarding the uses of School LAND Trust Program funds. They shall also encourage participation on the council and may recruit potential applicants to apply for open council positions. Councils shall establish clear written procedures which govern removal from office of members who move away or who consistently do not attend meetings, as well as additional clarifications to assist in the efficient operation of the council consistent with the law and with Board rule.

Utah Code § 53G-7-1202(2) (2020)
Utah Admin. Rules R277-491-6(1)(b)(iii), (2) (July 22, 2022)

Each school community council shall also:

1. Create a School LAND Trust Program and LAND Trust plan for the school in accordance with § 53G-7-1206; and
2. Advise and make recommendations to school and district administrators and the school board regarding the school and its programs, school district programs, a child access routing plan in accordance with § 53G-4-402, safe technology use and digital citizenship, the school's positive behaviors plan, and other issues relating to the community environment for students.

Utah Code §53G-7-1202(3) (2020)

Each school community shall also provide for education and awareness on safe technology use and digital citizenship that empowers students to make smart media and online choices and students' parents or guardians to know how to discuss safe technology use with their students. ("Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security.) Each school community council shall also partner with the school's principal or other administrators to ensure that adequate on- and off-campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel. Each school community council shall also work with students, families, and educators to incorporate safety principles at the school and hold at least an annual discussion with the school's principal and District administrators regarding safety principles at the school and District level in order to coordinate the school community council's effort to develop and incorporate safety principles at the school. ("Safety principles" means safety principles that, when incorporated into programs and resources, impact academic achievement by strengthening a safe and wholesome learning environment, including continual efforts for safe technology utilization and digital citizenship.) To fulfill these duties, a school community council may create a subcommittee and may also partner with one or more non-profit organizations.

Utah Code § 53G-7-1202(1)(a), (e) (3)(a)(iii), (iv), (v), (b) (2020)

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To assist the community council in fulfilling these responsibilities, the principal shall annually provide the council with a report which summarizes the current safety principles and practices used by the District and school regarding technology and digital citizenship, including (1) information on internet filtering protocols for school and District devices which access the internet, (2) instructional practices, monitoring, and reporting procedures, and (3) and required internet safety training provided to a student and parent by the school or the District.

Utah Admin. Rules R277-491-6(3) (July 22, 2022)

Duties of Council Chair—

With respect to meetings, the school community council chair (or designee) shall:

1. Set each meeting's agenda;
2. Conduct each meeting according to the council's rules;
3. Keep written minutes which meet the requirements of this policy and law; and
4. Welcome and encourage public participation.

The chair shall also inform council members about resources available on the School LAND Trust website.

Utah Admin. Rules R277-491-5(2) (July 22, 2022)

Community Council Meeting Procedures—

Each community council shall adopt rules of order and procedure to govern its meetings which prescribe parliamentary procedure, ethical behavior, and civil discourse. The council's meetings shall be conducted in accordance with these rules. These rules shall also outline the process for (1) electing the school community council (including the number of parent members and school employee members and member positions beginning in odd years or even years to ensure half of the council member positions are open for election each year), (2) selecting a chair and vice chair (3) removing from office a member who moves away or fails to attend meetings regularly, and (4) for a member to declare a conflict of interest. Copies of these rules shall be made available at each meeting of the council and shall be posted on the school's website.

Utah Code § 53G-7-1203(9) (2021)
Utah Admin. Rules R277-491-6(1) (July 22, 2022)

Community Council Training—

The superintendent or designee shall provide annual training to the community councils of the District. This training shall include education of the chair and vice chair regarding their responsibilities, informing council members about the resources available on the state School LAND Trust website, and educating the members about the following statutes which govern school community councils: Utah Code § 53G-7-1202 (relating to the establishment, composition, and duties of

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community councils); Utah Code § 53G-7-1203 (regarding open meeting requirements applicable to community councils); and Utah Code § 53G-7-1206 (regarding the School LAND Trust program).

Utah Code § 53G-7-1202(8) (2020)

Community Councils Open Meetings Requirements—

School community councils are not a "public body" subject to the requirements of and are exempt from the Utah Open and Public Meetings Act. However, a school community council shall conduct its business in an open and transparent manner according to the following requirements:

1. A meeting of a school community council is open to the public.
2. A school community council may not close any portion of a meeting.
3. A school community council shall, at least one week prior to a meeting, post the following information on the school's website:
    i. a notice of the meeting, time, and place;
    ii. an agenda for the meeting; and
    iii. the minutes of the previous meeting.
    a. An agenda required under Subsection (4)(ii) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.
4. The notice requirement of Subsection (4) may be disregarded and an emergency meeting held if:
    a. because of unforeseen circumstances it is necessary for a school community council to hold an emergency meeting to consider matters of an emergency or urgent nature; and
    b. the school community council gives the best notice practicable of:
        i. the time and place of the emergency meeting; and
        ii. the topics to be considered at the emergency meeting.
5. An emergency meeting of a school community council may not be held unless:
    a. an attempt has been made to notify all the members of the school community council; and
    b. a majority of the members of the school community council approve the meeting.
6. A school community council may not take final action on a topic in a meeting unless the topic is:

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a. listed under an agenda item as required by Subsection (4)(a); and
b. included with the advance public notice required by Subsection (4).

7. Written minutes shall be kept of a school community council meeting.
8. Written minutes of a school community council meeting shall include:
   a. the date, time, and place of the meeting;
   b. the names of members present and absent;
   c. a brief statement of the matters proposed, discussed, or decided;
   d. a record, by individual member, of each vote taken;
   e. the name of each person who:
      i. is not a member of the school community council; and
      ii. after being recognized by the chair, provided testimony or comments to the school community council;
      iii. the substance, in brief, of the testimony or comments provided; and
      iv. any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes.
9. The written minutes of a school community council meeting are a public record under Title 63G, Chapter 2, Government Records Access and Management Act and shall be retained for three years.

Utah Code § 52-4-103(9)(c)(iii) (2022)
Utah Code § 53G-7-1203 (2021)

School LAND Trust Program—

The LAND trust plan is a school's plan to use School LAND Trust Program money to implement a component of the school's teacher and student success plan, including a description of programs, practices, materials or equipment needed to implement the component of the plan.

The program developed by the council to use the School LAND Trust funds is subject to the approval of the Board of Education. The program, as approved by the Board of Education, shall be implemented by the school. The school shall provide ongoing support for the council's plan. The school shall also publicize to its patrons and the general public how the School LAND Trust funds were used to implement a component of the teacher and student success plan and the results of those efforts. The principal shall ensure that the school website fully communicates how parents can directly influence expenditure of School LAND Trust Program funds and includes the dollar amount of funds received by the school each year. Also, the school shall prepare and post on the state School LAND Trust Program website an annual report before the council submits a plan for the following year which details the use of School LAND Trust funds and which assesses the results obtained from the use of those funds. (To assist with this annual report, the District shall record

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expenditures of School LAND Trust Program funds through a financial reporting system identified by the State Board of Education.) A summary of this report shall be provided to parents or guardians of students attending the school.

The council shall create and vote to adopt a LAND trust plan in a meeting of the school community council at which a quorum is present.

If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan is adopted.

A school community council shall:

1. post a LAND trust plan that is adopted on the state School LAND Trust Program website; and
2. include with the LAND trust plan a report noting the number of community council members who voted for or against the approval of the LAND trust plan and number of members who were absent for the vote.

The Board of Education shall approve or disapprove the LAND trust plan. If the Board of Education disapproves a LAND trust plan, the Board will provide a written explanation of the reasons for disapproval and request the council to revise the plan and the council shall submit a revised plan to the Board of Education for approval.

Once the Board of Education has approved a LAND trust plan, the school community council may amend the plan by majority vote of the council subject to Board of Education approval.

The school shall implement the program as approved, provide ongoing support for the program, and meet State Board of Education reporting requirements regarding financial and performance accountability of the program.

Utah Code § 53G-7-1206 (2021)
Utah Code § 53G-7-1305(4) (2019)

The president of the Board of Education shall ensure that the members of the Board are provided annual training on the School LAND Trust Program and its requirements.

Utah Code § 53G-7-1206 (2021)

Permissible uses of School LAND Trust Program funds—

School LAND Trust Program expenditures shall have a direct impact on the instruction of students in the particular school's areas of most crucial academic need and consistent with the academic priorities of the Board of Education to increase achievement in English, language arts, mathematics, and science, and for high schools to increase graduation rates and promote college and career readiness. The school community council shall review school wide assessment data annually and use School LAND Trust Program funds in data-driven and evidence based ways to improve educational outcomes, consistent with the academic goals of the school's teacher and student success plan framework and the priorities of the Board of

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Education. This includes strategies that are measurable and show academic outcomes with multi-tiered systems of support and counselors and educators working with students and families on academic and behavioral issues when a direct impact on academic achievement can be measured.

School LAND Trust Program funds may not be used for (a) costs related to district or school administration, including accreditation, (b) expenses for construction, maintenance, facilities, overhead, furniture, security, or athletics, or (c) expenses for non-academic in-school, co-curricular, or extracurricular activities.

A school that demonstrates appropriate progress and achievement consistent with the academic priorities of the Board of Education may request Board approval of a plan to address other academic goals if the plan includes (a) how the goal is in accordance with the core standards established by the State Board of Education in Utah Administrative Rules R277-700, (b) how the action plan for the goal is data-driven, evidence based, and has a direct impact on the instruction of students consistent with the requirements above, (c) the data driving the decision to spend the School LAND Trust Program funds for these academic needs, and (d) the anticipated data source the school will use to measure progress.

A school community council may budget and spend up to $7,000 for an academic goal or component of an academic goal incorporating any combination of (a) digital citizenship training under Utah Code § 53G-7-1202(3)(a)(iii) or (b) safety principles consistent with Utah Code § 53G-7-1202(1)(d).

Student incentives implemented as part of an academic goal in the School LAND Trust Program may not exceed $2 per awarded student in an academic school year.

Utah Admin. Rules R277-477-4 (July 22, 2022)

Child Access Routing Plan—

Each school community council shall annually develop a child access routing plan for its school and submit it to the school traffic safety committee.

Utah Code § 53G-4-402(17)(c)(i) (2021)
Utah Code § 53G-7-1202(3)(a)(ii)(C) (2020)

Subcommittees and Task Forces—

A school community council may create subcommittees or task forces to advise the council or make recommendations to the council, or to develop all or part of the plans that the council's duties require it to prepare. However, any plan or portion thereof developed by a subcommittee or task force shall be subject to the approval of the council.

A school community council may appoint individuals who are not members of the council to serve on a subcommittee or task force (including parents, school employees, or other community members).

Utah Code § 53G-7-1202(6) (2020)

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Fundraising and Donations

Scope of Fundraising and Donations Policies—

This policy applies to all District administrators, licensed educators, staff members, students, organizations, volunteers and individuals who initiate, authorize, or participate in fundraising events or activities for events or activities which are provided, sponsored, or supported by a school; or receive, authorize, accept, value, or record donations, gifts, or sponsorships for the District or individual schools. It is expected that in all dealings, District and school employees will act ethically, consistent with the District's ethics training, the Utah Educator Standards (R277-217), the Public Officers' and Employees' Ethics Act (Utah Code § 67-16-1 et seq.), and State procurement law (Utah Code § 63G-6a-101 et seq.).

District Foundation—

The District Foundation (the "Foundation") is an entity established to receive donations and gifts for the benefit of the District and the District's schools. Any organization or individual wishing to donate cash, materials, equipment, other property or programs to a school is encouraged to make such donations through the Foundation.

Definitions—

"Public funds" for purposes of this policy are defined as money, funds, and accounts, regardless of the source from which the funds are derived, that are owned, held, or administered by the state or any of its political subdivisions, including Districts or other public bodies.

Utah Code § 51-7-3(26) (2017)

"Provided, sponsored, or supported by a school" means activities, fundraising events, clubs, camps, clinics, or other events or activities that are either authorized by the District or individual school(s) or that satisfy one or more of the following criteria. The activity:

1. Is managed or supervised by the District or a District school, or District or District school employee in the capacity of the employee's District employment.
2. Uses the District's or a District school's facilities, equipment, or other school resources.
3. Is supported or subsidized, more than inconsequentially, by public funds, including the District's activity funds or minimum school program dollars.
4. Does not include non-curricular clubs specifically authorized and meeting all criteria of Utah Code § 53G-7-704 through -707.

Utah Admin. Rules R277-113-2(15) (November 8, 2021)
Utah Admin. Rules R277-407-2(13) (November 10, 2020)

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General Policy—

All funds, property, or goods donated or collected through fundraisers become public funds and the property of the District and should be used for the purpose for which they were donated and in accordance with State and District policies. Donations, whether in-kind, cash, or otherwise, shall be complete transfers of ownership, rights, privileges, and/or title in or to the donated goods or services and become exclusive property of the District upon delivery. The District and individual schools are ultimately responsible for the expenditure and allocation of all monies collected and expended through student, school organized fundraising.

The District recognizes that fundraising efforts, donations, gifts, sponsorships, and public support vary among schools. The District is committed to appropriate distribution of unrestricted funds and the management of donations and gifts to ensure that the educational opportunities for all students are equal and fair. If the District accepts a donation, it shall prevent potential inequities in schools within the District in distributing the donation.

The District is committed to principles of gender equity and compliance with Title IX guidance. The District commits to use all facilities, unrestricted donations and gifts, and other available funds in harmony with these principles. The District 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. The benefits derived from donations and gifts should be equitable for all students, comply with Title IX, and be in harmony with Article X of the Utah Constitution.

Utah Admin. Rules R277-113-10(2)(a) (November 8, 2021)

The collection of money or assets associated with fundraisers for school-sponsored activities, donations, gifts or sponsorships will comply with the District cash receipting policies. The expenditure of any public funds associated with fundraisers for school-sponsored activities, donations, gifts, or sponsorships will comply with the District cash disbursement policies

Fundraising is permitted within the District to allow the District and schools to raise additional funds to supplement events or activities which are provided, sponsored, or supported by a school, as specified in this policy and in accordance with State law and regulations. The District may through its Foundation raise money to offset the cost to the District attributed to fee waivers.

Utah Admin. Rules R277-407-7 (November 10, 2020)

The District and individual schools will comply with all applicable state and federal laws; the State procurement code (Utah Code 63G-6a); State Board of Education rules, including construction and improvements; IRS Publication 526 “Charitable Contributions”; and other applicable IRS regulations.

Fund raising activities should not be approved which involve high-pressure sales tactics, yield profits in excess of usual wholesale margins to suppliers of goods sold, would expose students and other participants in the fund-raising activity to risk

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of personal injury, would expose the school or District to risk of financial loss if the fund raising activity is not successful, or would violate law or district policies.

District employees may not direct operating expenditures to outside funding sources to avoid District procurement rules (operating expenditures include equipment, uniforms, salaries or stipends, improvements or maintenance for facilities, etc.).

District employees must comply with District procurement policies and procedures, including complying with obtaining competitive quotes and avoiding bid splitting.

Donations and gifts should be accounted for at an individual contribution level.

Donations, gifts, and sponsorships shall be directed to the District, District program(s), school, or school program(s). Donations, gifts, and sponsorships shall not be directed at specific District employees, individual students, vendors, or brand name goods or services.

Donated funds shall not compensate public employees, directly or indirectly.

If donations or gifts are offered in exchange for advertising or other services, an objective valuation will be performed and a charitable receipt will be issued by the foundation or the business administrator.

Donations will not be solicited or accepted in lieu of a fee from a student or parent unless the activity, class, or program for which the donation is solicited will otherwise (without the donation) be fully funded by the District and receipt of the donation will not affect participation by an individual student.

Utah Admin. Rules R277-407-7(1)(a) (November 10, 2020)

Donations or gifts shall not be accepted that advertise or depict products that are prohibited by law for sale or use by minors, such as alcohol, tobacco, or other substances that are known to endanger the health and well-being of students; or, in the opinion of the District, may cause a substantial disruption to the education environment.

As required by state law, donations will only be accepted where there is no expectation or promise, expressed or implied, of remuneration or any undue influence or special consideration. District employees are not permitted to accept personal payment or gratuities in any form from a vendor or potential vendor as a precondition for purchase of any product or service.

Donations and gifts over $250 will be provided with an acknowledgment of the contribution from the District for IRS purposes. The acknowledgment will be in the form of a written disclosure in accordance with IRS regulations issued by the foundation or business administrator. These receipts will be generated from the information provided on the “Donations, Gifts, and Sponsorships” form.

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Gifts to specific school programs of equipment, such as computers and audio-visual equipment, must be approved in advance to assure that the District is not compelled by a gift to undertake expenses in support of the donated equipment or make other management decisions in order to use the gift, such as allocating space to donated equipment, that the District deems to be unwise.

Utah Admin. Rules R277-113-5(9)(e), (f) (November 8, 2021)

Fees for School-Sponsored Activities—

Fees for events or activities which are provided, sponsored, or supported by a school are governed by Policy FI.

Such events or activities, when properly approved, may:

1. Use the school's name, facilities, and equipment.
2. Utilize District employees and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
3. Be insured under the District's risk management policy (pending approval by the District risk manager) or general liability insurance policy.
4. Provide additional compensation or stipends for District employees with the approval of the principal or immediate supervisor and under District payroll policies.

All fees for school-sponsored events or activities which are provided, sponsored, or supported by a school must be properly established according to Policy FI. Districts may be responsible for providing student transportation for these activities.

Principals, consistent with District policy, have the responsibility to waive fees, if appropriate. Individual teachers, coaches, advisors, etc. do not have the authority to waive fees.

Annually, each District division, department, or program and individual school will review all planned camps, clinics, activities, and fundraisers and determine those which are provided, sponsored, or supported by a school.

Annual Review of Fundraising Activities—

The District shall annually review all fundraising activities that support or subsidize District or public-school authorized clubs, activities, sports, classes, or programs to determine if the activities are provided, sponsored, or supported by a District school. This review shall be documented.

Utah Admin. Rules R277-113-9(5) (November 8, 2021)

Authorization and Supervision of Fundraising—

Authorization and supervision of fundraising for events or activities which are provided, sponsored, or supported by a school:

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1. Fundraising at the District level shall be approved in writing, prior to the activity, by the superintendent or applicable assistant superintendent/director and supervised by District employee(s) designated by the approver. The approver shall ensure that the activity is appropriately classified as provided, sponsored, or supported by a school.
2. Fundraising at individual schools shall be approved in writing, prior to the activity, by the principal and supervised by a member of the faculty or other District employee designated by the principal. The approver shall ensure that the activity has been appropriately classified as provided, sponsored, or supported by a school. Principals may approve fundraisers or activities where the expectation is to earn up to $10,000. Fundraisers expected to earn more than $10,000 and up to $50,000 must be approved in writing by the superintendent. Fundraisers expected to earn more than $50,000 must be approved by the Board of Education.
3. The sale of banners, advertising, signs, or other promotional material that will be displayed on school property must be approved by the principal before the items are initiated or printed and must meet community standards. Partisan or political advertising and advertising for products that are prohibited by law for sale or use by minors, such as alcohol, tobacco, or other substances that are known to endanger the health and well-being of students, are prohibited.
4. All fundraising projects for construction, maintenance, facilities renovation or improvement and other capital equipment purchases must be approved in writing by the business administrator, the superintendent, and the Board of Education. (*See* “Capital Fundraising” below.)

Student Fundraising—

“Student fundraising” means an activity or event provided, sponsored, or supported by a school that uses students to generate funds to provide financial support to a school or any of the school’s classes, groups, teams, or programs or to benefit a particular charity or for other charitable purposes. It may include the sale of goods or services, the solicitation of monetary contributions from individuals or businesses, or other lawful means or methods that use students to generate funds.

Utah Admin. Rules R277-407-2(5) (November 10, 2020)

A “student individual fundraiser” is student fundraising where money is raised by an individual student to pay the individual student’s fees.

Utah Admin. Rules R277-407-2(7) (November 10, 2020)

A “student group fundraiser” is student fundraising where the money raised is used for the benefit of the group, team, or organization.

Utah Admin. Rules R277-407-2(6) (November 10, 2020)

Students may be allowed to participate in optional student individual fundraisers to raise money to offset the cost of the student’s fees. However, they

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may not be required to do so. Required student individual fundraisers are not allowed for any purpose. Funds raised in student individual fundraisers are included in the total maximum fee amounts allowed in a year.

Utah Admin. Rules R277-407-6(4)(c) (November 10, 2020)
Utah Admin. Rules R277-407-10(2) (November 10, 2020)

Required student group fundraisers are permitted if approved and conducted according to the requirements of this policy.

Utah Admin. Rules R277-407-10(2)(c) (November 10, 2020)

Funds Handling and Recordkeeping—

All revenues raised from or during activities provided, sponsored, or supported by a District school shall be classified, recorded, and deposited as public funds in compliance with the District's cash handling, program accounting, and expenditure of funds policies. The District shall maintain records in sufficient detail to track individual contributions and expenditures, track overall financial outcomes, and verify compliance with relevant regulations. The District shall make records available to parents, students, and donors except as restricted by state or federal law.

Utah Admin. Rules R277-113-9(2), (3) (November 8, 2021)

Capital Fundraising and Large Donations—

All fundraising projects donations or gifts for construction, maintenance, facilities renovation or improvement, and other capital equipment purchases must be approved in writing by the business administrator, the superintendent, and the Board of Education. Prior to the initiation of a large capital drive or specific fundraising drive, the following will be provided to the business administrator for evaluation and recommendation to the superintendent:

1. Prospective construction, maintenance or renovation plans and estimated costs
2. Proposed naming opportunities
3. Proposed fundraising timeline
4. Loans or financing agreements
5. Maintenance or upkeep requirements and costs

Assurances of compliance with Title IX (*e.g.*, available for use by both male and female students and/or for several purposes or activities).

Utah Admin. Rules R277-113-10(2)(a) (November 8, 2021)

The superintendent will make a recommendation to the Board of Education. The Board reserves the right to tentatively approve plans, pending fundraising, donations, equity, or other conditions.

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All physical facilities are owned and operated by the District. No part of any school facility or capital equipment may be named for a donor without the express written consent of the Board of Education.

The District shall only grant naming opportunities that are consistent with the mission and educational objectives of the District. Decisions regarding naming opportunities are within the sole discretion of the Board of Education.

Advertising—

To avoid disruption of students' instructional activities, schools shall not be used for distribution of partisan, religious, or commercial advertisements, fliers, bulletins, newspapers, etc.; nor shall such items be placed on vehicles parked on school grounds.

Principals may permit the school distribution of fliers, bulletins, newspapers, etc. with information regarding nonprofit community youth programs such as Boy Scouts of America, Girl Scouts of America, county and municipal programs, and Little League-type recreation programs.

Students and employees of the District, including teachers and administrators, shall not act as agents for commercial agents during school hours or contract time.

A District employee's participation in a private, but education-related, activity must be separate and distinguishable from the employee's public employment. District employees may purchase advertising space to promote private or non-school-sponsored events in the same manner as the general public. The District employee's employment and experience can be used to demonstrate qualifications. The advertisement must clearly state that the activity is not school sponsored. See R277-107 for specific direction.

Types of Donations, Gifts, and Sponsorships—

Cash Donations. Cash donations are welcomed and may be accepted from private individuals, companies, organizations, clubs, foundations, and other appropriate entities. All cash donations will be received in compliance with the District's cash receipting policies. Cash donations may be used to fund or enhance programs, facilities, equipment, supplies, services, etc.

Cash donations may not be used to hire regular classroom teachers, thereby altering the staffing ratios. However, classroom assistants, coaching assistants, or specialists of any kind, including individuals who may hold educator licenses, may be hired using the funds received. Donations to fund such positions shall be made to a program, school, division, or department—not directly to individuals—and employment will be processed through the District's Human Resources Department and Payroll Department. The District or school administration reserves the right to decline or restrict these types of donations if they create inequitable environments in the school or inequities that violate Title IX or other laws, are not economically in the

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best interest of the District, interfere with educational goals, or for any other reason determined by the District or school.

Utah Admin. Rules R277-113-10(2) (November 8, 2021)

Cash donations shall not be used to augment an employee's remuneration beyond the remuneration associated with the salary schedule of the employee's position.

Products. The District or individual schools may accept donated products which carry the donor company's name, trademark, logo, or limited advertising on the product (*e.g.*, cups, T-shirts, hats, instructional materials, furniture, office equipment, etc.). These items shall be valued at fair market value at the time of the contribution. If advertising or other services are offered in exchange for the donation or gift, this may alter the contribution amount.

Equipment, Supplies, or Goods. The District or individual schools may accept donated equipment, supplies, or goods for use in the District or individual schools or school programs. These items shall be valued at the fair market value at the time of the contribution. If advertising or other services are offered in exchange for the donation or gift, this may alter the valuation amount.

Donor and Business Partner Recognition. Donor and business partner recognitions may be placed on equipment, furniture, and other donated gifts that are not considered capital or fixed assets. Non-permanent recognitions may be placed on District buildings or structures with written approval from the superintendent. The board may grant approval for the naming of buildings, structures, rooms, or other district facilities; *see* "Capital Fundraising" above). Principals may authorize banners, flyers, posters, signs, or other notices recognizing a donor or school business partner. Such materials shall feature the school-business partnership and not promote or endorse the business named.

Approval and Acceptance of Donations, Gifts, and Sponsorships—

Donations, gifts, and sponsorships valued at more than $250 must be documented on the District "Donation, Contribution, or Sponsorship" form. This form must be completed prior to the acceptance of money or goods and must be retained in the District or school accounting records. A copy of the completed form will be sent to the foundation or business administrator, and a receipt for charitable contribution purposes will be issued to the donor.

Approval levels are as follows:

1. Money, goods, supplies, or in-kind donations, gifts, or sponsorships valued at $250–$10,000 must be documented on the District "Donation, Contribution, or Sponsorship" form and be approved by an individual school principal or applicable District department or division supervisor prior to acceptance.
2. Money, goods, supplies or in-kind donations, gifts, or sponsorships valued at $10,000–$50,000 must be documented on the District "Donation,

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Contribution, or Sponsorship" form and be approved by the business administrator and superintendent prior to acceptance.

3. Money, goods, supplies or in-kind donations, gifts, or sponsorships valued at more than $50,000 must be documented on the District "Donation, Contribution, or Sponsorship" form and be approved by the Board of Education prior to acceptance.

General Fundraising Standards—

The District reserves the right to prohibit, restrict or limit any fundraising activities associated with the District or individual schools. Faculty and student participation in fundraisers is typically voluntary. However, employees may be directed to supervise specific activities as an employment assignment.

Participation in fundraising shall not affect a student's grade. Students shall not be required to participate in fundraising activities as a condition of belonging to a team, club or group, nor shall a student's fundraising effort affect his or her participation time or standing on any team, club or group. A request for approval of a required group fundraiser shall describe the nature of the fundraiser and the estimated required participation time for the student and/or parent. Parents and students shall be notified of required group fundraising and how and when the details about the fundraising will be provided to parents and students.

Utah Admin. Rules R277-407-10(2)(d), (f), (3) (November 10, 2020)

Competitive enticements for participation in fundraisers are discouraged. If prizes or rewards are offered by a selected fundraising vendor, they should only be awarded to groups, classes or students, and must be disclosed and approved prior to the fundraiser. Rewards, prizes, commissions, or other direct or indirect compensation shall not be received by any teacher, activity, club or group director, or any other District employee or volunteer.

Schools may not impose a sales quota (or the like) as part of fundraising efforts, and students or parents shall not be required to pay for any unsold items or pay for goals not met.

Door-to-door sales are prohibited for all students in elementary and middle schools. High school students may participate in one door-to-door campaign per sport, club, or group per year. Suitable procedures must be used by the schools, administrators and supervising faculty to safeguard students and funds collected. Procedures must be clearly communicated to parents.

Approval may be denied for fundraising activities that would expose the school or District to risk of financial loss or liability if the activity is not successful.

Fundraising activities shall be age appropriate and shall maintain the highest standards of ethical responsibility and integrity.

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Fundraising revenues should be accounted for at an individual contribution level or participation level. Participation logs should be retained and turned into the accounting office to be included with the deposit detail.

Employees who approve, manage, or oversee fundraising activities are required to disclose if they have a financial or controlling interest or access to bank accounts in a fundraising organization or company.

Records of all fundraising efforts shall be open to the parents, students and donors, including accurate reporting on participation levels and financial outcomes. This policy does not require the release of students' personally identifiable information protected by FERPA.

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Policy Exhibit #1 GF

"Donation, Contribution, or Sponsorship Form"

Donation, Contribution, or Sponsorship Form

This form must be completed, signed, and turned in for all such occurrences greater than $250.

To be filled out by donor, contributor, or sponsor:

1. Date of donation: _____ (Must be prior to donation or initiation of construction.)

2. I am making this donation as (select one and fill in the legal name):

   ☐ An Individual .....Legal name: _____
   ☐ An officer of a business ..... Legal business name: _____
   ☐ An officer of a booster club with a tax id # ..... Legal club name: _____
   For any of the above, if you wish this signed form to serve as a receipt from the authorized recipient for your own tax purposes, please provide the associated SSN, EIN, or TAX ID#: _____
   ☐ A representative of an informal group (not eligible for tax receipt)..... Name: _____
   ☐ Other (please describe) (not eligible for tax receipt)....._____

3. Type of donation:
   ☐ Cash, coin, check ..... Dollar amount: _____
   ☐ Supplies, equipment, property, etc..... Estimated value: _____
   ☐ Volunteer time ..... Estimated worth: _____

4. Detailed description of what is being donated: _____
_____

5. Program, school, department, class, or activity, if any, to which you restrict use of your donation. Restricted funds will be used only for the named restriction: (Donations may not be restricted to use for an individual employee.)
_____

6. Representation: (Mark and sign appropriate one.)

   ☐ Monetary or property donor:
   I hereby certify that I hold legal title to the funds/property being donated, that I am authorized to make such donation, and hereby transfer full title of the funds/property being donated to the _____School District.

   Signature: _____

   ☐ Volunteer:
   I hereby certify that I willingly donate my time and that I will not be compensated for my donated time by any source and that if I am given significant unsupervised access to a student in connection with my volunteer assignment, I must also obtain a volunteer form from the principal and complete it and submit it to Human Resources and be finger-printed.

   Signature: _____

To be filled out by district/school recipient:

Authorizer per District's donation policy:	**Received by District's foundation/business administrator:**
_____	_____
Name:	Name:
_____	_____
Title:	Title:
_____	_____
Signature: Date:	Signature: Date:
_____	_____
	Tax receipt number:
	_____

Distribution Original to Accounting Copy to Donor Copy for School/Department

Fundraising and Donations

Private and Non-School-Sponsored Activities and Fundraising

Scope of Policy—

This policy applies to all District administrators, licensed educators, staff members, students, organizations, volunteers and individuals who initiate, authorize, or participate in fundraising events or activities for events or activities which are provided, sponsored, or supported by a school; or receive, authorize, accept, value, or record donations, gifts, or sponsorships for the District or individual schools. It is expected that in all dealings, District and school employees will act ethically, consistent with the District's ethics training, the Utah Educator Standards (R277-217), the Public Officers' and Employees' Ethics Act (Utah Code § 67-16-1 et seq.), and State procurement law (Utah Code § 63G-6a-101 et seq.).

Definitions—

"Provided, sponsored, or supported by a school" means activities, fundraising events, clubs, camps, clinics, or other events or activities that are authorized by the District or individual school(s) that also satisfy one or more of the following criteria. The activity:

1. Is managed or supervised by the District or a District school, or District or District school employee.
2. Uses the District's or a District school's facilities, equipment, or other school resources.
3. Is supported or subsidized, more than inconsequently, by public funds, including the District's activity funds or minimum school program dollars.
4. Does not include non-curricular clubs specifically authorized and meeting all criteria of Utah Code §§ 53G–7–704 through 707.

Utah Admin. Rules R277-113-2(15) (November 8, 2021)
Utah Admin. Rules R277-407-2(13) (November 10, 2020)

District Interaction with Non-School-Sponsored Activities—

In interacting with any activity which is not provided, sponsored, or supported by a school, the District shall conduct all transactions at arm's length and may not co-mingle revenue or expenditures of such activities with public (District) funds.

Utah Admin. Rules R277-113-9(7) (November 8, 2021)

Non-School-Sponsored Activities & Fundraisers—

Activities, clubs, groups and their associated fundraisers or other activities, sports, or programs that are not provided, sponsored, or supported by a school MAY NOT:

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1. use the school's or District's name without express District permission.
2. use the District's facilities, equipment, and other assets or staff unless a facilities use agreement is initiated and approved. These agreements should follow District policy for other facilities use agreements.
3. utilize District employees (in their official capacity) and other resources to supervise, promote, and otherwise staff the activity or fundraiser.
4. be insured under a District risk management or insurance policy. Non-school-sponsored activities must provide their own insurance through a third-party insurer.
5. provide additional compensation or stipends for District employees, if the activity is not substantially different from a District employee's regular job functions and duties and outside of employee's contract hours. (See District employee disclosure agreement below.)
6. co-mingle public funds and private fundraising proceeds or expenditures.
7. use school records to contact parents or students.

Parental notification by a District employee is required if District employees are involved in the planning, administration, advertising, or serving as staff for a non-school-sponsored activity and if District students are involved. This notification shall occur using the "Non-School-Sponsored Parent Notification" form. A copy of this form shall be submitted to the principal by the District employee prior to the event.

Funds, donations, or gifts generated through non-school-sponsored activities or events may be donated to the District or to an individual school to support specific programs, teams, groups, clubs, etc. All donations or gifts shall follow the guidance established in the District's donations and gifts policy.

Non-school-sponsored activities may work in conjunction with the District or an individual school to raise funds. The District may allow these groups to use District facilities at little or no charge in exchange for contributions or percentages of proceeds. The District may choose to provide some level of support or pay for portions of these activities. These arrangements shall be set forth in a written agreement or contract, and all transactions will be conducted as "arm's-length transactions." These agreements shall take into consideration the District's fiduciary responsibility for the management and use of public funds and assets. The terms of these contracts will be approved by the principal, the facilities use agreement approver, and the business administrator. The District will consult with its insurer or legal counsel to ensure risks are adequately considered and managed.

Utah Admin. Rules R277-113-9(6), (7) (November 8, 2021)

Non-curricular clubs specifically authorized under Utah Code §§ 53G-7-704 through -707 are not considered school-sponsored.

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Participation in Private or Non-School-Sponsored Events—

District employees:

1. May participate in a private but public education-related activity, such as LDS seminary graduation and firesides, extracurricular travel, etc.
2. Must ensure that personal participation in activities is separate and distinguishable from the employee's public employment, official job title, or job duties.
3. May not contact students in the District using education records or information obtained through public employment unless the records or information are available to the general public.
4. May not use school time to discuss, promote, or prepare for a private or non-school-sponsored activity.
5. May offer public education-related services, programs or activities to students, provided they are not advertised or promoted during school time or using any type or amount of school resources.
6. May use school or student publications available to the general public to advertise and promote the private or non-school-sponsored activity.
7. May not require private or non-school-sponsored activities for credit or participation in school programs.
8. Must satisfy all requirements of Utah Code § 53E-3-512, regarding ethical conduct standards, and R277-107, regarding educational services outside of the educator's regular employment.

District employees may purchase advertising space to promote private or non-school-sponsored events in the same manner as the general public. The District employee's employment and experience can be used to demonstrate qualifications. The advertisement must specifically state that the activity is not school-sponsored. (*See* R277-107-4.)

District employees may engage in outside employment with a private entity or other separate organizations that does not interfere with District duties or job functions. Employees must complete the District disclosure agreement annually when engaging in outside employment that is similar to the employee's official job duties or functions.

Parental notification is required if District students are recruited to participate in these activities.

District employees may not set up bank accounts for activities or fundraisers associated with District responsibilities or job functions.

District employees may not direct fees or fundraiser proceeds from school-sponsored activities to outside entities.

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District employees may not direct operating expenditures to outside funding sources or groups to avoid District procurement rules (such as equipment, uniforms, salaries or stipends, improvements, maintenance for facilities, etc.).

District employees must comply with District procurement policies and procedures, including complying with competitive quotes; bid splitting; and not accepting gifts, gratuities, or kickbacks from vendors or other interested parties.

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Honorary Diplomas for Veterans

Honorary Veterans Diplomas Authorized—

The Board will award an honorary high school diploma to a veteran upon satisfaction of the requirements set forth below.

Requirements for Honorary Veterans Diploma—

Upon written request to the Board of Education made by the veteran, an immediate family member of a veteran, or a guardian of the veteran, and submission of information to verify satisfaction of the following requirements, the District shall award an honorary high school diploma to the veteran:

1. Either (a) left high school before graduating to serve in the United States armed forces or (b) served in the United States armed forces during World War II, the Korean War, or the Vietnam War, and
2. Either (a) was honorably discharged or (b) was released from active duty because of a service-related disability, and
3. Either (a) resides in the District or (b) resided in the District at the time of leaving high school to serve in the United States armed forces.

Utah Code § 53G-7-214 (2019)

Verification of Service—

The Board, the veteran, or the veteran's immediate family member or guardian may request the Department of Veteran Affairs to certify whether the veteran meets the requirements of 1(b) or 2 above.

Utah Code § 53G-7-214(3) (2019)

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Military Testing and Recruitment

Access for military recruiters—

Each school within the District shall allow military recruiters the same access to students that is allowed to postsecondary institutions or prospective employers.

20 U.S.C. § 7908(a)(3)

ASVAB test notices and result reporting—

The Armed Services Vocational Aptitude Battery ("ASVAB") is a test which is offered and administered by the United States armed services and which district secondary students may choose to take. The results of this test are provided to the student and to school counseling staff. When the ASVAB is administered at a district school, the results of this test may also be provided to military recruiters depending on which reporting option or options are selected by the school on behalf of its students. Under Option 8, test results are not made available to military recruiters. Options 1 through 6 provide for test results to be made available to military recruiters at different points in time depending on each option. (Option 7 is used by the military to identify invalid test results which are not used.) When the ASVAB is being given at a district school, the school shall provide advance written notice to students who choose to take the test and the parent of those students regarding dissemination of results to military recruiters. That notice shall inform students and parents that that the school will select for all students the option under which test results are not made available to military recruiters but that individual students' parents or emancipated students may by advance written request to the school elect an option allowing for results to be provided to military recruiters.

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Child Sexual Abuse and Human Trafficking Prevention Education

Education for elementary student parents—

The District shall provide annual instruction to the parents of elementary school students in the District on recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation and on effective, age-appropriate methods for discussing the topic of child sexual abuse with a child.

Utah Code § 53G-9-207(3)(a)(ii) (2022)

Parental education curriculum—

The parental instruction required under this policy shall be provided with the instructional materials approved by the State Board of Education for that purpose.

Utah Code § 53G-9-207(3)(b) (2022)

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Educational Authority of Separated Parents

Divorce decree governs—

Where a student's parents are divorced or legally separated, parental authority with regard to educational decisions for the student shall be governed by the most recent court order on the matter (divorce decree, custody order, or similar document signed and entered by the court). A motion or petition by a party is not binding, only an order entered by the court (signed by a judge or other judicial officer having authority). If a parent believes that the terms of the order no longer apply (because of changed circumstances or because of failure by the other parent or another person to comply with the order), it is the parent's obligation to obtain an updated order from the court. Unless doing so is specifically prohibited by the order, the school may recognize parental decision making authority other than as set out in the order if both parents (or all persons who have authority over the child under the order) consent. (Parental access to education records is addressed in Policy FEC.)

Authority where order does not specify—

If no court order specifies parental authority over educational decisions, or provides otherwise than set out below, the District will recognize parental authority over educational decisions of divorced or legally separated parents as follows:

1. Sole physical custody: A parent who has sole physical custody of a child shall have authority:
   a. To determine the child's home residence for school attendance purposes or the school where the child will attend;
   b. To make educational decisions for the child if the parents disagree; and
   c. To determine who is allowed to have access to the child during school hours and to check the child out of school.
2. Joint physical custody with unequal time: Where parents have joint physical custody, the following apply:
   a. The parent who has physical custody the majority of the time shall have authority to determine the child's home residence for school attendance purposes or the school where the child will attend;
   b. The parent who has physical custody the majority of the time shall have authority to make educational decisions for the child if the parents disagree; and
   c. Both parents shall have access to the child during school hours and authority to check the child out of school.
3. Joint physical custody with equal time: Where parents have joint physical custody for equal time, the following apply:

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a. Both parents have equal authority to determine the child's home residence for school attendance purposes or the school where the child will attend (and any disagreements must be resolved by the parents, either by agreement or by seeking court intervention);

b. Both parents shall have authority to make educational decisions (and any disagreements must be resolved by the parents, either by agreement or by seeking court intervention); and

c. Both parents shall have access to the child during school hours and authority to check the child out of school.

Utah Code § 30-3-10.9(5)(c) (2018)

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Released Time Classes

Definitions—

"Released-time" means a period of time during the regular school day when a student attending a public school is excused from the school at the request of the student's parent.

"Non-entangling criteria" means neutral course instruction and standards that

- Are academic as opposed to devotional;
- Promote awareness as opposed to acceptance of any religion;
- Expose to as opposed to imposing a particular view;
- Educate about religion; and
- Inform but do not seek to make students conform to any religion.

Utah Admin. Rules R277-610-2 (April 9, 2018)

Interaction between public schools and released-time classes—

A student may attend released-time classes only upon the written request of the student's parent or legal guardian. A public school may not maintain records of attendance for released-time classes or use school personnel or school resources to regulate such attendance.

A teacher of a released-time class is not a member of the public school faculty. A released-time teacher may participate in school activities as a community member (to the same extent and manner that a general member of the community would be allowed to participate).

A public school teacher, administrator, or other official may not request teachers of released-time classes to exercise functions or assume responsibilities of the public school program which would result in commingling the activities of the school and the released-time class sponsor. Public school personnel may not participate in released-time classes during work hours.

A public school class schedule or class catalog may not include a released-time class by name. At the convenience of the school, a registration form may contain a space for a released-time designation. A released-time class may not use school resources or equipment.

A public school publication may not include pictures, reports, or records of released-time classes.

Utah Admin. Rules R277-610-3 (April 9, 2018)

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Additional conditions for religious released-time programs—

Institutions offering religious instruction are private programs or schools separate and apart from the public schools. Those relationships that are legitimately exercised between the public school and any private school are appropriate with institutions offering released-time classes, so long as public property, public funds, or other public resources are not used to aid such institutions. A public school may grant elective credit for religious released-time classes if the public school establishes neutral, non-entangling criteria with which to evaluate the released-time courses.

A religious class may not be held in any school buildings or on school property in any way that permits public money or property to be applied to, or that requires public employees to become entangled with, any religious worship, exercise, or instruction.

Religious released-time scheduling shall take place on forms and supplies or through electronic applications or channels furnished by the religious institution and by personnel employed or engaged by the religious institution and shall occur off public school premises. Records of attendance at religious released-time classes, grades, marks or other data relating to such attendance may not be included in the correspondence or reports made by a public school to parents.

A public school may not directly connect bells, telephones, computers or other devices between public school buildings and institutions offering religious instruction except as a convenience to the public school in the operation of its own programs. (This does not prohibit public schools from connecting to the Internet or other networks that are open to use by the general public.) When direct connection is permitted and put in place, the costs shall be borne by the respective institutions (the public school and the religious institution each shall fairly share in the cost).

Utah Admin. Rules R277-610-4 (April 9, 2018)

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