LUMEN SCHOLAR INSTITUTE POLICIES AND PROCEDURES MANUAL

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ACADEMIC INTEGRITY

Original Adopted Date: 04/12/2016

Policy

1. The Board of Trustees understands that authentication of student work is a critical component in the online classroom.

2. The School values its academic reputation and takes online classroom security of its courses seriously.

3. The learning management system used by the school must be secure, requiring a unique username and password for logging in. Internally generated, user credentials is required in order to protect student privacy.

4. Online assessments and assignments must be created and administered in a way that reduces the risk of academic dishonesty.

5. Students should receive ethics training on the various forms of academic dishonesty at the beginning of each course.

6. Additional authentication measures or systems should be established in administrative regulations to ensure that the students who are getting credit for a class are, indeed, the students who are doing the work in the class.

7. The Board of Trustees authorizes the Director of Academic Affairs to develop administrative regulations that comply with this policy.

Regulation

Academic Integrity and Student Authenticity requires students to avoid academic dishonesty and complete their own work.

Academic dishonesty includes, in part, using materials obtained from another student, published literature, and the Internet without proper acknowledgment of the source. Academic dishonesty also includes any cheating, plagiarism, or fabrication as defined below. This list is not exhaustive of activities that may constitute academic dishonesty.

Cheating is the act of using or attempting to use or providing others with unauthorized information, materials or study aids in academic work. Cheating includes, but is not limited to,

- passing examination answers to or taking examinations for someone else,
- preparing or copying others' academic work

- using resources (such as notes, the internet, experts, etc.) that are not permitted during specific academic exercises or activities (for example during examinations).

Plagiarism is the act of appropriating another person's or group's ideas or work (written, computerized, artistic, etc.) or portions thereof and passing them off as the product of one's own work in any academic exercise or activity.

Fabrication is the use of invented or falsified information, research or other findings.

Evidence of academic dishonesty may result in any or all of the following:

- a failing grade in the course;
- disciplinary review by Administration up to and including Suspension and/or recommendation of Expulsion
- zero points on that particular assignment (for the first offense). A second offense can result in failing the course

Faculty and staff are required to report academic integrity violations to the Administration. Repeated violations will result in progressive disciplinary action up to and including suspension and/or recommendation of expulsion.

ACTIVITY EXPERIENCES

Original Adopted Date: 09/26/2019

1. The Board of Trustees recognizes that student participation in properly planned, well- managed, and fully supervised Activity Experiences provide meaningful educational opportunities to enrich and expand learning for students.

2. Subject to funding constraints, Activity Experiences shall be used to place a variety of civic, cultural, community, and business resources within the reach of the classroom.

3. The Board of Trustees authorizes the Director of Academic Affairs to develop administrative regulations consistent with this policy.

ASSESSMENT OF STUDENT ACHIEVEMENT

Original Adopted Date: August 11, 2015
Last Revised Date: April 20, 2023
Last Reviewed Date: April 20, 2023

Purpose

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

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

Policy

Statewide Assessment Plan

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

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

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

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

Student Participation in Statewide Assessments

(a) With the exception of those students described in subsection (b) immediately below and exempted students, the School shall administer statewide assessments to all students enrolled in the grade level or course to which the assessment applies.

(b) A student's IEP team, English Learner Team, or Section 504 accommodation plan team shall determine an individual student's participation in statewide assessments consistent with the Utah Participation and Accommodations Policy.

(c) An educator may use a student's score on a statewide assessment to improve the student's academic grade for, or demonstrate the student's competency within, a relevant course. However, a student's score on a statewide assessment may not be used in determining whether the student may advance to the next grade level.

(d) The School may not provide a nonacademic reward to a student for taking a statewide assessment.

Student Exemption from Statewide Assessments

(a) A student's parent has the right to exempt the student from a statewide assessment in accordance with Utah Code § 53G-6-803 and the exemption procedures in R277-404. The School shall not impose procedures beyond those in R277-404 to exercise this right nor may the School impose any penalty or adverse consequences upon a student who is exempted.

(b) School grading, teacher evaluation, and student progress reports or grades may not be negatively impacted by students exempted from taking a statewide assessment.

(c) The School may allow a student who has been exempted from a statewide assessment to be physically present in the room during test administration. The School shall ensure that exempted students who are in attendance are provided with an alternative learning experience during test administration.

Other Requirements

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

ASSET PROTECTION

Original Adopted Date: 08/11/2025

1. Signature Authority:

a. To properly segregate duties, the Board Chair (President), the Treasurer, the Director/Principal or others as expressly authorized are the only individuals with signatory authority and are responsible for authorizing all cash transactions. Each disbursement shall require two signatures to be authorized.

2. Security of Financial Data:

a. The school's accounting software will be maintained to ensure that adequate internal controls and security measures are established to minimize unauthorized access to school data (i.e., proper password protection). The system's accounting data shall be backed up periodically to ensure the recoverability of financial information in case of failure. The backup file(s) must be stored separately in a fire safe area and properly secured. All other financial data, petty cash box (es), check stock, etc. will be secured from unauthorized access.

3. Security of School Documents:

a. Originals of the following corporate documents are maintained and their presence shall be verified on a periodic basis:

i. Charter and all related amendments,

ii. Articles of Incorporation and By-laws,

iii. Minutes of the Board of Trustees and subcommittees,

iv. Corporate and payroll tax registrations,

v. Banking & financial agreements,

vi. Leases,

vii. Insurance policies,

viii. Grant and contract agreements, and

ix. Fixed asset inventory list.

4. Use of School Assets:

a. School employees should not use any of the school's assets for personal use without prior approval of the school administration and with proper justification.

5. Audit:

a. The Board contracts annually with a qualified independent certified public accounting firm to conduct a fiscal audit of the school's financial records and statements. The audit is performed in accordance

with auditing standards generally accepted in the United States of America, Government Auditing Standards issued by the Comptroller General of the United States, 2003 Revision (GAS) and, if applicable, the U.S Office of Management and Budget's Circular A-87 and A-122. The selected firm must be familiar with these standards and related state regulations in order to properly conduct the fiscal audit.

6. Audit Committee:

a. The Board shall establish an audit committee per committee policy and Administrative Rule R277-113-4, which shall:

i. Seek to understand its role and duties as outlined in the GFOA Audit Committees guide;

ii. Review, audit and initial original bank statements and account reconciliations from Review, in a public meeting, audit reports provided to the Committee directly by outside firms;

iii. Review the school's risk assessment processes and procedures to ensure adequate internal controls are maintained;

iv. Ensure timely resolution of matters reported by internal audits or by outside firms;

v. Ensure that outside firms are selected through a competitive-bid process;

vi. Be responsible for the appointment, compensation, retention, and oversight of the work of any independent accountants engaged for the purpose of preparing or issuing an independent audit report or performing other independent audit, review, or attest services;

vii. Periodically review this policy, no less than once every five years, to assess its continued adequacy;

viii. Possess knowledge of and experience in finance, auditing, or accounting if possible; and

ix. Review the annual audit, and any other work performed by a contracted auditor, prior to its submission to any outside party or authority, and report to the Board that it has discussed the financial statements with management, with the independent auditors in private, and privately among committee members, and believes that they are fairly presented, to the extent such a determination can be made solely on the basis of such conversations.

7. Insurance and Bonding:

a. The school maintains minimum levels of coverage, as deemed appropriate by the Board, for the following policies:

i. General liability (earthquake coverage not included without express inclusion),

ii. Business & personal property,

iii. Automobile insurance (as necessary),

iv. Workers' compensation,

v. Unemployment (tax),

vi. Directors and Officers,

vii. Errors & Omissions/Professional Liability,

viii. Employment Practices Liability Insurance,

ix. Treasurer's (fidelity) Bond,

x. ERISA bond (as applicable for retirement plan), and

xi. Other insurance as requested.

b. A Treasurer’s Bond (fidelity bond or Public Official Bond) is required on the person who has investment control over the school’s public funds, typically the business manager, per UCA 51-7-15. This insurance coverage is not included in the school’s other insurance policies and must be purchased separately. The school requires proof of adequate insurance coverage from all prospective sub-contractors, as deemed applicable by the Board.

BANKING AND FINANCIAL MANAGEMENT

Original Adopted Date: 05/10/2016 | **Last Revised Date**: 1/19/2023 | **Last Reviewed Date**: 1/19/2023

Policy

1. General:
    a. Accounting policies and financial reporting adopted by Lumen Scholar Institute (school) should be consistent with a special purpose governmental entity that engages in business-type activities. The Board of Trustees (Board) has oversight of the management of the school inclusive of establishing the governance structure and the financial management policies as set forth in the school's charter.
2. Budgeting:
    a. The school's Chief Administrative Officer is appointed as the school's budget officer. Before June 1 of each year, the budget officer shall, with the help of the business office, prepare a tentative budget for the next fiscal year, with supporting documentation, to be submitted to the Board. The tentative budget and supporting documents shall include the following items:
        i. The revenues and expenditures of the preceding fiscal year;
        ii. The estimated revenues and expenditures of the current fiscal year;
        iii. A detailed estimate of the essential expenditures for all purposes for the next succeeding fiscal year; and
        iv. The estimated financial condition of the school at the close of the current fiscal year.
    b. The tentative budget for the next fiscal year shall be filed with the school's Chief Administrative Officer for public inspection at least 15 days before the date of the tentative budget's proposed adoption by the Board.
    c. Before June 30 of each year, the Board will review and adopt the budget for the next fiscal year in an open and public meeting (any final amended budget for the current fiscal year must also be adopted by June 30). By the sooner of July 15 or 30 days of adopting the budget, the Board will file a copy of the adopted budget with the state auditor and the Utah State Board of Education.
    d. The business office staff or budget officer shall provide each Board member with a report, on a monthly basis, that includes the following information:
        i. The amounts of all budget appropriations;
        ii. The disbursements from the appropriations as of the date of the report; and
        iii. The percentage of the disbursements relative to the approved budget as of the date of the report.
    e. The school's fiscal year (budget year) is July 1 through June 30. Budgets are reviewed and amended as necessary throughout the fiscal year. The appropriate accounting period is used for all adjusting entries and accruals.
        i. School administration shall follow all budgets approved by the Board.

3. Bank Accounts:
    a. The Board may authorize bank accounts for general or specific purposes. School assets shall be kept at any bank or financial institution that is approved by the State Money Management Council as defined in Utah's State Money Management Act. All bank accounts shall be reconciled as often as statements are available, typically monthly.
4. Investments:
    a. The school shall follow state law and rule as outlined by statute (including the State Money Management Act), administrative rules, and the rules of the State Money Management Council in investing school cash assets.
5. Petty Cash:
    a. A petty cash fund may be established by the school for incidental, non-recurring cash advances, local expense reimbursement, and small-dollar vendor purchases, provided proper documentation is furnished with each request. A petty cash fund shall maintain a balance of approximately $250 and in no event shall the fund exceed $500. No individual payment from a petty cash fund shall be greater than $100. Petty cash funds are recorded on the balance sheet as a cash account. The petty cash account is balanced periodically by the business office.
6. Cash Handling and Cash Receipts:
    a. Wherever possible, duties such as 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 school, compensating controls such as management supervision and review of cash receipting records by independent parties should be implemented. School staff shall follow established procedures (internal controls) for the handling of cash receipts as outlined in the cash handling and receipt procedures set forth in the school's General Financial-Cash Management administrative regulation. The school will comply with all applicable state and federal laws.
    b. All funds shall be kept in a central, secure location until they are deposited in a school-approved fiduciary institution. Funds should be deposited daily or at least once every three banking days after receipt, in compliance with Utah Code § 51-4-2(2)(a). Unauthorized school employees should never hold funds in any unapproved location for any reason. Periodic and unscheduled audits or reviews should be performed for all cash activity. All payments of school fees, if any, shall correspond with the approved fee schedule, as required by Utah Administrative Code Rule R277-407.
7. Vending Machines:
    a. Vending machines are to be administered by the Chief Administrative Officer with the assistance of the business office and other school administrators. Two persons shall be present when removing cash from vending machines and delivering it to the school office for recording using the cash handling and receipts procedures. Accurate inventories of goods stocked and sold from vending machines are to be kept. Vending machine stock shall be stored adequately to minimize shrinkage and the program should be reviewed at least annually.
8. Financial Statement Reporting:

a. The business office is required to maintain supporting records in sufficient detail to prepare the school's financial statements, including:
    i. Monthly:
        1. Internally generated Income Statement, including budget vs. actual comparison and adequate notes and explanations;
        2. Balance Sheet;
        3. Cash Flow Statement; and
        4. Transaction Register.
    ii. Annually:
        1. Financial statements for audit, with supporting statements as needed; and
        2. Annual budget.
b. The school will provide financial reporting in a manner consistent with the basis of accounting as required by generally accepted accounting principles (GAAP), as applicable to the school.
c. The school will ensure that audits of the school's financial reporting, compliance, and performance are done in accordance with generally accepted auditing standards (GAAS) and generally accepted government auditing standards (GAGAS).
d. The school follows the governmental accounting standards board (GASB) as its basis of accounting.
e. The school will provide data and information consistent with budgeting, accounting (including the uniform chart of accounts for LEAs), and auditing standards for Utah LEAs provided online annually by the Utah State Superintendent of Public Education.

9. Capitalization of Property:
    a. All tangible personal property, land, capital improvements or buildings with a useful life of more than three years and a unit acquisition cost that exceeds the $5,000 depreciation threshold established by the Board are recorded and capitalized on the property schedule. The asset capitalized cost includes actual tax, shipping/handling, and other expenses incurred to bring the asset ready for its intended use. Additionally, these policies apply to capital assets:
        i. All capitalized assets will be depreciated using the straight-line method of depreciation in accordance with such asset's useful life and the applicable governmental and financial accounting standards;
        ii. The depreciation expense will be recorded in the statement of revenues, expenses, and changes in net assets;
        iii. The school maintains records of all government-furnished property and equipment, with an identification and segregation of property and equipment acquired through government contracts;
        iv. Upon receipt, all property that qualifies as necessary to include on the property schedule, or has reasonable possibility of theft, or is required by law, must be properly labeled with asset ID tags;
        v. Assets purchased or received that cost less than the depreciation threshold will be expensed in the period purchased;

vi. No item on the property schedule shall be removed from the premises without prior approval from the Board. Procedures for asset disposal must comply with state or federal law or regulation where appropriate. All Assets shall be disposed consistent with applicable regulations of any restricted funds with which they were purchased, according to state or US Department of Education General Administrative Regulations;

vii. Gains and losses from the sale or other disposition of property are recorded as revenue in the year in which they occur, and are reflected as such on applicable financial statements; and

viii. A physical inventory of property included on the school's property schedule is performed on an annual or every two-year basis and is reconciled to the property schedule and general ledger of the school.

10. Liabilities:
    a. Encumbrances, debt or other obligations are recognized and measured in conformity with GAAP in both the modified and full accrual bases of accounting, as applicable. Liabilities also include certain other deferred amounts that are not obligated but are recognized and measured in conformity with GAAP. The Board and administration, in consultation with accounting firms, will determine liabilities as needed for financial statements.
11. Accounts Payable:
    a. Only valid accounts payable transactions based on documented vendor invoices, receiving reports, or other approved documentation are recorded as accounts payable. Vendors and suppliers are paid as their payment terms require, taking advantage of any discounts offered. If cash flow problems exist, payments are made on a greatest dependency/greatest need basis, considering critical disbursements, including payroll and tax obligations, etc.
12. Use Of School Credit and Debit Cards:
    a. Debit cards are only authorized with Board approval. School credit cards and purchase cards shall only be issued with the formal approval of the Board and with proper justification. The cost/benefit to the school should be fully reviewed to ensure that no other method is appropriate. If credit cards are issued, they should be assigned to specific school employees and should be used only for school-related expenditures.
    b. All charges must be supported by transaction-level invoices (point-of-sale receipts) or travel reports to be eligible for payment by the school. Monthly credit card statements are reconciled by cardholders to point-of-sale receipts and travel reports. They are reviewed and approved monthly by appropriate supervisors in consultation with business office staff.
13. Accrued Liabilities:
    a. Salaries, wages earned, and payroll taxes, together with professional fees, rent, and insurance costs incurred, but unpaid, are reflected as a liability when entitlement to payment occurs. The portion of any teacher, or other employee, whose salaries are paid over a period different than during which work was performed, are accrued at the end of the fiscal year for which services were rendered.
14. Debt:
    a. Short-term debt consists of financing expected to be paid within one year of the date of the annual audited financial statements. Long-term debt consists of financing that is not

expected to be repaid within one year. All short-term and long-term debt must be approved by the Board in accordance with school policy. Loan agreements approved by the Board shall be in writing and specify all applicable terms, including the purpose of the loan, the interest rate, and the repayment schedule. School administration may not enter into loan agreements without Board approval.

15. Net Assets:
    a. Net assets are recorded in accordance with GASB. Net assets include the following:
        i. Unrestricted;
        ii. Restricted; and
        iii. Investment in Capital Assets, net of related debt.
16. Consistency in Cost Accounting:
    a. Practices used by the school in estimating costs in grant/contract proposals are consistent with its accounting practices used in accumulating and reporting costs. Accounting practices used by the school in accumulating and reporting actual costs are consistent with its practices used in estimating costs in its grant and contract proposals.

BLOOD-BORNE PATHOGENS

Original Adopted Date: 10/11/2016

Policy

Lumen Scholar Institute (the School) staff shall maintain a work site that is clean, sanitary and stocked with appropriate blood-borne pathogen materials and supplies. Staff will wear Personal Protective Equipment (PPE) at all times when blood-borne pathogens are present and will follow the policies and procedures outlined in the School's emergency response plan related to school emergencies. Post treatment actions include bandaging/cleansing the source individual and cleansing/changing his or her clothing. Additionally, the location where the injury occurred, the treatment area, and any areas in-between when appropriate, should be cleansed with the appropriate cleansing agent to entirely eliminate the risk of contamination/infection to other persons. Caregivers must cleanse themselves and cleanse or discard the PPE to entirely eliminate the risk of contamination/infection.

Discarded equipment or supplies should be either triple-bagged and labeled or disposed of using bio-hazard bags available at the school office. They must be either disposed of immediately or incinerated. Blood-borne pathogens policy and procedures shall be posted in the school office.

BOARD RULES OF ORDER AND PROCEDURE

Original Adopted Date: 11/17/2022

Pursuant to Utah Code § 53G-5-413, Lumen Scholar Institute (the "School") hereby adopts the following rules of order and procedure to maintain order and govern conduct at the meetings of the School's Board of Trustees (the "Board").

(1) **Public Meetings**. Board meetings will be convened, and Board business will be conducted in accordance with the applicable provisions of the Utah Open and Public Meetings Act.

(2) **Board Size and Quorum Requirement**. The Board consists of no fewer than (5) and no more than seven (7) members. A quorum of Board members must be present at any meeting to take official Board action. A quorum consists of a majority of the current Board members.

(3) **Meeting Agenda**. An agenda for each Board meeting will provide notice of the business to be conducted and topics to be considered by the Board.

(4) **Presenting Business**. As a general rule of order, a member of the Board should present an item of business by motion prior to voting. If the motion is seconded by another member of the Board, the motion should then be considered and voted upon by the Board members present at the meeting.

(5) **Board Action and Voting**. The minimum number of "yes" votes required to pass any resolution or to take any action, unless otherwise prescribed by law or the School's Bylaws, is a majority of the voting members of the Board present at the meeting.

(6) **Public Comment**. The Board encourages public engagement and frequently schedules time to hear from members of the public. Public comment time is placed on the agenda at the Board's discretion.

a) The following rules apply to public comment at Board meetings:

(i) Members of the public wishing to speak to the Board must state their name for the official meeting record.

(ii) Speakers will be given up to three (3) minutes to address the Board. Speakers representing large groups may request up to six (6) minutes to address the Board.

(iii) The public may address any issue not already included on the agenda.

(iv) The Board will not take public comment on personnel issues or statements regarding the character, professional competence, and the physical or mental health of an individual during a Board meeting.

(v) The Board is unable to deliberate or take action on items raised during the public comment period that are not on the meeting agenda.

(vi) The Board does not respond to comments or questions posed by an individual during the public comment period.

(vii) Persons who disrupt Board meetings will be removed from the meeting.

(viii) The presiding Board officer, at his/her discretion, reserves the right to end public comment at any time.

(7) **Board Member Code of Conduct**. Members of the Board will abide by the School's Policy 0100: Board Member Code of Conduct.

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

BOARD MEMBER CODE OF CONDUCT

Original Adopted Date: 02/07/2018

1. Members must demonstrate loyalty to the charter and board policy, unconflicted by loyalties to staff, other organizations, or any personal interest as a parent, or as a friend or associate of other parents at the school.

2. Members must avoid conflict of interest with respect to their fiduciary responsibility:

a. There will be no self-dealing or business by a member with the school outside the scope of the conflict of interest policy. Members will annually disclose their involvements with other organizations or with vendors and any associations that might be reasonably seen as representing a conflict of interest;

b. When the board is to decide upon an issue about which a member has an unavoidable conflict of interest, that member shall withdraw without comment not only from the vote but also from the deliberation; and

c. Board members will not use their board position to obtain employment at the school for themselves, family members, or close associates. A board member who applies for employment must first resign from the board.

3. Board members may not attempt to exercise individual authority over the organization:

a. Members' interaction with the Director or other staff must recognize the lack of authority vested in individuals except when explicitly authorized by the board, and members must interact appropriately with staff when acting as the parent of a student. This includes being professional and not using the member's position as a threat or a leveraging tool to get a desired outcome;

b. Members' interaction with the public, the press, the authorizer, or other entities must recognize the same limitation and the inability of any board member to speak for the board except to repeat explicitly-stated board decisions; and

c. Except for participation in board deliberation about whether the Director has achieved any reasonable interpretation of board policy, or when expressing an appropriate opinion as the parent of a student, members will not express individual judgments of performance of employees or the Director. This includes comments during open Board meetings.

4. Members shall respect the confidentiality of issues that are sensitive in nature such as, but not limited to, personnel, legal, or real property acquisition.

5. Members shall be properly prepared and present for board meetings and be actively participating on Board appointed committees. Members missing more than two (2) consecutive board meetings or being unprepared to contribute to the meeting may be subject to a formal review. A formal review may also be conducted for Board members who fail to actively contribute to their appointed

committee. According to the Corporation's bylaws, the board may terminated a member by a majority vote of the board.

6. Members shall support the legitimacy and authority of the final determination of the board on any matter without regard to the member's personal position on the issue.

7. Members shall undergo a criminal background check prior to appointment to the board.

8. Members shall be professional in both dress and decorum for the following school related activities: meetings, correspondence with stakeholder's of the School (including social media posts), and interactions with community members and businesses.

BOARD TO ADMINISTRATION DELEGATION

Original Adopted Date: 08/11/2015

1. The Board's sole official connection to the school, its achievements, and conduct will be through the School Director:

a. The School Director is the board's only link to school achievement and conduct, so that all performance of staff, as far as the board is concerned, is considered the performance of the School Director;

b. The board will never give instructions to persons who report directly or indirectly to the School Director;

c. The board will not evaluate, either formally or informally, any staff other than the School Director; and

d. The board will view School Director performance as identical to school performance so that accomplishment of board stated outcomes and consistency with Executive Limitations will be viewed as successful School Director performance.

2. The board will instruct the School Director through written policies that define outcomes to be achieved and define situations and actions to be avoided, allowing the School Director to use any reasonable interpretation of these policies:

a. Only officially passed motions of the board are binding on the School Director;

b. Decisions or instructions of individual board members, officers, or committees are not binding on School Director except in rare instances when the board has specifically authorized such exercise of authority;

c. In the case of board members or committees requesting information or assistance without board authorization, the School Director can refuse such requests that require, in the School Director's opinion, a material amount of staff time or funds, or are disruptive; and

d. Consistent with the school's charter and existing policy, the School Director is authorized to establish all further policies and practices, make all decisions, take all actions, and pursue all activities. Such decisions of the School Director shall have full force and authority as if decided by the board.

3. The board will monitor and evaluate the School Director's job performance only against defined outcomes and limitations:

a. The board will acquire monitoring information by one or more of three methods:

i. By internal report, in which the School Director discloses interpretations and compliance information to the board;

ii. By external report, in which an external, disinterested third party selected by the board assesses compliance with board policies; and

iii. By direct board inspection, in which a designated member or members of the board assess compliance with the appropriate policy criteria.

4. The standard of compliance shall be any reasonable School Director interpretation of Policy. The Board will judge reasonableness by a reasonable person standard, rather than with an interpretation favored by Board Members or the board as a whole.

5. All policies that instruct the School Director will be monitored at a frequency and by a method chosen by the board. The board can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule, to be determined by the board.

BUILDING ACCESS

Original Adopted Date: 07/14/2015

Policy

1. Guidelines:

a. Lumen Scholar Institute (the School) is a controlled access building. The information, forms & students at this facility are of the most sensitive and confidential nature. Therefore, it is necessary to limit building access to those people who are employed by the School, attending classes at the School, have a business reason to be there, or who are volunteering or visiting students or employees;

b. Entry to the building must be recorded. There must be a record maintained of persons who enter the building. This recording may be accomplished through the use of a card access control system, a sign in log, video monitoring system, or other mechanism. No one will be admitted to any access controlled area of the building unless they use an authorized access control card, or sign a log and present identification credentials. All Employees, Contract Employees, Parent Volunteers and other Visitors must use the front door to enter and exit the building;

c. Employees are responsible for all persons who visit them, whether for business or personal reasons. Employees must provide an appropriate level of supervision of visitors so that security requirements are maintained. While it is not necessary for an employee to accompany a visitor continuously, the employee must ensure the visitor does not inadvertently compromise security or disrupt essential services. For example, it is not necessary to accompany a visitor to the restroom, but the visitor must be supervised while in the computer room;

d. All persons in the building must prove identity, whether they are an employee of the School, contracted employee, or visitor. The School employees, parent, contracted employees and parent volunteers will be issued a photo identification badge after an access request procedure is followed. All other visitors will be issued a temporary badge identifying them as a visitor after presentation of proof of identity. Because the School employees, contracted employees and parent volunteers are identified, it will be easy to spot an unauthorized individual in the building. Persons who are unable to present proof of identity must be considered a security risk, and must not be allowed in the building;

e. There are areas of the building that require a higher level of security. The administrative offices, file rooms and room. Access authorization for these areas is granted by the Director, and administered by the Director; and

f. Every employee has a responsibility to help ensure the security and safety of their fellow employees, the students, and the building. Employees, Contract Employees and Parent Volunteers must take responsibility to ensure building security as well. They must not compromise building security by propping doors open “to get a breath of fresh air” or holding a door open to let someone in the building. Taking such actions lessens building security and increases the risk to everyone. Employees should feel empowered to challenge anyone in the building who is not wearing an identification badge to present their badge. Individuals who are unable to produce a badge must be immediately escorted to the front office to be authorized. Employees must also report to the Director any security irregularities such as doors left open.

2. Responsibilities:

a. Visitors are responsible for complying with these procedures and standards;

b. The Director is responsible for enforcing compliance; and

c. The Director is responsible for implementing, monitoring, enforcing, and complying with these procedures and standards.

BULLYING, CYBER-BULLYING, HAZING, RETALIATION, AND ABUSIVE CONDUCT PROHIBITION AND PREVENTION

Original Adopted Date: 03/14/2017 | **Last Revised Date**: 10/24/2024 | **Last Reviewed Date**: 10/24/2024

Purpose

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

Policy

Prohibited Conduct

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

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

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

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

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

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

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

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

Definitions

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

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

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

(1) causing physical or emotional harm to the School employee or student;

(2) causing damage to the School employee’s or student’s property;

(3) placing the School employee or student in reasonable fear of:

(a) harm to the School employee's or student's physical or emotional well-being; or

(b) damage to the School employee's or student's property;

(4) creating a hostile, threatening, humiliating, or abusive educational environment due to:

(a) the pervasiveness, persistence, or severity of the actions; or

(b) a power differential between the bully and the target; or

(5) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (a)(i) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a School or School sponsored team, organization, program, club, or event; or

(ii) is directed toward a School employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a School or School sponsored team, organization, program, club, or event in which the individual who commits the act also participates.

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

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

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

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

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

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

(1) a School teacher;

(2) a School staff member;

(3) a School administrator; or

(4) an individual:

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

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

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

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

Reporting Prohibited Conduct

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

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

Each report of prohibited conduct shall include:

(1) the name of complaining party;

(2) the name of person subjected to the prohibited conduct (if different than complaining party);

(3) the name of perpetrator (if known);

(4) the date and location of the prohibited conduct; and

(5) a statement describing the prohibited conduct, including names of witnesses (if known).

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

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

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

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

<u>Investigation of Alleged Incidents</u>

The School will investigate all allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct in accordance with this policy and applicable law. The Chief Administrative Officer or his/her designee will investigate such allegations and will have adequate training to conduct such an investigation. The Chief

Administrative Officer or his/her designee will be the point person with training and expertise to assist, direct, and supervise training of other employees in the responsibilities set forth in this paragraph.

The School will investigate these alleged incidents by interviewing:

(1) the students subjected to the alleged incident;

(2) the individual who is alleged to have engaged in the prohibited conduct;

(3) the parents or guardians of the students subjected to the alleged incident and the individual who is alleged to have engaged in prohibited conduct;

(4) any witnesses;

(5) School staff familiar with the student subjected to the alleged incident;

(6) School staff familiar with the individual who is alleged to have engaged in prohibited conduct; or

(7) Other individuals who may provide additional information.

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

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

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

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

(1) inform parents or guardians when an investigation is concluded;

(2) inform parents or guardians what safety measures will be in place for their child, as determined by the investigation;

(3) provide additional information about the investigation or the resolution consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g; and

(4) inform parents or guardians of the School's Stakeholder Grievance Policy if the parents or guardians disagree with the resolution of the investigation.

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

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

(1) take positive restorative justice practice action in accordance with policies established by the School;

(2) provide supportive services designed to preserve the student's access to educational opportunities and a sense of safety; or

(3) develop a communication process.

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

Parental Notification

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

(1) the student threatens suicide; or

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

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

The Chief Administrative Officer or his/her designee will produce and maintain a record that:

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

(2) tracks implementation of the action plan addressing the incident, if applicable.

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

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

(1) suicide prevention materials and information as recommended by the Utah State Board of Education in accordance with Utah Code § 53G-9-604(2)(b);

(2) information on ways to limit a student's access to fatal means, including firearms or medication; and

(3) information and resources on the healthy use of social media and online practices as provided in R277-613.

Action Plan to Address Incidents

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

(1) with respect to the student to whom the incident was directed and in direct coordination with the student's parent or guardian:

(a) a tailored response to the incident that addresses the student's needs;

(b) a mechanism to consider consequences or accommodations the student may need regarding decreased exposure or interactions with the student who caused the incident;

(c) notification of the consequences and plan to address the behavior of the student who caused the incident;

(d) support measures designed to preserve the student's access to educational services and opportunities; and

(e) to the extent available, access to other resources the parent requests for the student; and

(2) with respect to the student who caused the incident and in direct coordination with the student's parent or guardian:

(a) a range of tailored and appropriate consequences, making reasonable effort to preserve the student's access to educational services and activities;

(b) a process to determine and provide any needed resources related to the underlying cause of the incident;

(c) supportive measures designed to preserve the student's access to educational services and opportunities while protecting the safety and well-being of other students; and

(d) a process to remove the student from School in an emergency situation, including a description of what constitutes an emergency.

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

(1) educational schedule or placement; or

(2) participation in a School sponsored sport, club, or activity.

The School shall try to involve the parent or guardian of a student who was involved in an incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct in the development and implementation of an action plan. However, if, after the School attempts to involve a parent or guardian in the development and

implementation of an action plan, the parent or guardian chooses to not participate in the process, the School may develop and implement an action plan without the parent or guardian's involvement.

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

(1) the outcome of the School's investigation (if not already provided at the conclusion of the investigation);

(2) a discussion of safety considerations for the student who is the subject of the incident; and

(3) an explanation of the School's process for addressing the incident.

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

Consequences of Prohibited Behavior

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

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

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

Grievance Process for School Employees

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

Grievance Process for Parents and Guardians

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

Additional Provisions

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

(1) Once the School knows or reasonably should know of possible student-on-student bullying, cyber-bullying, or hazing, the School must take immediate and appropriate action to investigate.

(2) If it is determined that the bullying, cyber-bulling, or hazing of a student did occur as a result of the student's membership in a protected class, the School shall take prompt and effective steps reasonably calculated to:

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

(b) eliminate any hostile environment; and

(c) prevent its recurrence.

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

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

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

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

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

Student Assessment

Subject to the parental consent requirements of Utah Code § 53E-9-203, the Chief Administrative Officer or his/her designee will solicit student assessments of the prevalence of bullying, cyber-bullying, and hazing in the School, specifically locations where students are unsafe and additional adult supervision may be required.

Training

The Chief Administrative Officer will ensure that School students, employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive conduct from individuals qualified to provide such training. The training shall meet the standards established by the Utah State Board of Education's rules and include information on:

(1) bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

(2) discrimination under the following federal laws:
    (a) Title VI of the Civil Rights Act of 1964;
    (b) Title IX of the Education Amendments of 1972;
    (c) Section 504 of the Rehabilitation Act of 1973; and
    (d) Title II of the Americans with Disabilities Act of 1990;

(3) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;

(4) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes; and

(5) the right of free speech and how it differs for students, employees, and parents or guardians.

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

The training shall be offered to:

(1) new school employees, coaches, and volunteers within the first year of employment or service;

(2) all School employees, coaches, and volunteers at least once every three years after the initial training; and

(3) all students (regardless of whether they are involved in athletics or extracurricular activities or clubs) at a frequency determined by the Chief Administrative Officer.

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

The School will maintain training participant lists or signatures and provide them to the Utah State Board of Education upon request.

Liaison to Utah State Board of Education

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

Distribution of Policy and Signed Acknowledgement

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

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

BYLAWS OF LUMEN SCHOLAR INSTITUTE

ARTICLE I
NAME, PURPOSE

1. The name of the organization is **Lumen Scholar Institute** (the "corporation").

2. The corporation was formed to manage, operate, guide, direct and promote the corporation, a Utah Public Charter School. The corporation is organized under the Utah Nonprofit Corporation Act for public purposes and is not organized for the private gain of any person.

ARTICLE II
MEMBERS

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

ARTICLE III
MEETINGS OF TRUSTEES

1. **Annual Meeting**. The Board shall hold an annual meeting for the purposes of organization, selection of trustees and officers, and the transaction of other business.

2. **Regular Meetings**. Regular meetings will be held as scheduled by the Board, with a published schedule and proper notice.

3. **Special Meetings**. Special meetings of the Board for any purpose(s) may be called at any time by the President, Secretary, or one-third (1/3) of the members of the Board.

4. **Electronic Meetings**. In accordance with applicable state law and Board policy, any meeting of the Board may be held by telephone or electronic conference if all Board members participating in the meeting can hear one another and verbally participate in the meeting, and any such participation shall constitute presence in person at the meeting.

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

ARTICLE IV
BOARD OF TRUSTEES, OFFICERS

1. **Board Role, Size, Composition**. The Board is responsible for overall policy and direction of the school and delegates responsibility for day-to-day operations to the Chief Administrative Officer and committees established by the Board. The Board shall consist of no fewer than five (5) and no more than seven (7) members. The Board members shall receive no compensation other than reasonable expenses.

2. **Meetings**. The Board shall meet at agreed upon times and places.

3. **Terms**. Board members shall serve five (5) year terms. Board members are eligible for re-election.

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

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

a. The President shall convene regularly scheduled Board meetings and shall preside or arrange for other officers to preside at each meeting in the following order: Vice-President, Secretary, and Treasurer.

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

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

d. The Treasurer shall ensure a financial report is presented at each Board meeting. When requested, the Treasurer shall assist in the preparation of the budget, help develop fundraising plans, and make financial information available to Board members and the public.

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

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

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

ARTICLE V
COMMITTEES

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

ARTICLE VI
CHIEF ADMINISTRATIVE OFFICER AND STAFF

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

ARTICLE VII
INDEMNIFICATION

1. **Indemnification of Trustees and Corporation Agents**. The corporation hereby declares that any person who serves at its request as a trustee, officer, employee, or member of any committee, or on behalf of the organization as a trustee, director, or officer of another organization, whether for profit or not for profit, shall be deemed the corporation's agent for the purposes of this Article and to the extent allowed by law, shall be indemnified by the corporation against expenses (including reasonable attorney's fees), judgment, fines, excise taxes, and amounts paid in settlement actually and reasonably incurred by such person who was or is a party or threatened to be made a party to any threatened, pending, or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative by reason of such service, provided such person acted in good faith and in a manner he or she reasonably believed to be in the best interest of the corporation and, with respect to any criminal action or proceedings, had no reasonable cause to believe his or her conduct was unlawful. Except as provided in Article VII, Section 3, below, termination of such action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not of itself create either a presumption that such person did not act in good faith and in a manner which he or she reasonably believed to be in the best interest of the corporation or, with respect to any criminal action or

proceeding, a presumption that such person had reasonable cause to believe that his or her conduct was unlawful.

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

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

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

5. **Advances of Costs and Expenses**. The corporation may pay costs and expenses incurred by a trustee, officer, employee, or agent in defending a civil or criminal action, suit, or proceeding, in advance of the final disposition of the action, suit, or proceeding upon receipt of an undertaking by or on behalf of the person that he or she shall repay the amount advanced if it is ultimately determined that he or she is not entitled to be indemnified by the corporation as authorized by these Bylaws.

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

ARTICLE VIII
AMENDMENTS

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

ARTICLE IX
UTAH STATE CHARTER SCHOOL BOARD POWERS

1. Notwithstanding anything to the contrary in these Bylaws, the Utah State Charter School Board ("USCSB") shall

a. have the power to remove any Trustee and to approve or reject any elected appointed Trustee, as required under Article Six of the Articles of Incorporation; and

b. approve or reject any change to these Bylaws that conflicts with Article Six of the Articles of Incorporation.

The provisions of this Article IX that give the USCSB rights to approve and/or remove Board members will not be amended or altered without the prior written consent of USCB.

ARTICLE X
SUPERSEDE PREVIOUS BYLAWS

1. These Bylaws supersede all Bylaws previously adopted by the Board.

Dated: December 14, 2023

COMMITTEES

Original Adopted Date: 08/11/2025 | Last Revised Date: 12/12/2017

1. The purpose of Committees is to assist the Board and the Director in accomplishing the Mission and Charter of the School.

2. The Board establishes the following standing committees to report to the Board:

a. Academic Excellence,

b. Financial Accountability, and

c. Executive.

3. The Board directs the School's Director to establish the following standing committees to report to the Director:

a. Public Relations,

b. Technology, and

c. Facility Safety and Compliance.

4. Members of committees reporting to the Director will be appointed by the Director and may include board members, staff, parents, or other community members.

5. Responsibilities of committees reporting to the Director will be delegated to the committee in writing by the Director.

6. The Director will ensure that the responsibilities of the standing committees reporting to the Director are consistent with roles and duties outlined in the school's Charter, State and Federal Law, and the requirements of State and Federal grants the school has accepted.

7. None of the Committees shall cause or allow any decision, action, condition, or organizational circumstance that is illegal, imprudent, contrary to commonly accepted business practices and professional ethics, or contrary to the school's Charter and Mission.

Board Directed Standing Committees

1. Academic Excellence Committee:

The Academic Excellence Committee is commissioned by and responsible to the Board of Trustees to assume the primary role of working with the School's Director to define academic excellence, ensure that the School is aligned to the charter, and to devise clear and consistent measures to monitor progress toward achievement of these goals.

a. Membership:

i. The board will appoint each July, two (2) board members to serve on this committee. One of the board members will be appointed by the Board to be the chair of the committee;

ii. The Director will serve on this committee; and

iii. The Academic Excellence Committee will invite other stakeholders to assist in fulfilling the responsibilities of the committee as appropriate or required by the state. The committee may use different Stakeholders for different responsibilities.

b. Responsibilities:

i. The responsibilities of this committee may be expanded by direction of the Board of Trustees at any time.

c. Annual Stakeholders' Report:

i. The Academic Excellence Committee has the responsibility to present to the Board each June during the Board of Trustees meeting, a written Stakeholder's Report. Once approved, this Stakeholder's Report will be made available to the public on the School's website; and

ii. The Stakeholder's Report will include the following: School Community Council report, ACT and College Readiness report, state testing reports, graduation statistics, highlights and awards for the year. It may include other information as deemed appropriate by the Academic Excellence Committee or as directed by the Board of Trustees.

d. Health Education Committee:

i. This committee will be comprised of individuals as outlined in state rule R277-474-3;

ii. This committee will meet at a minimum of once every school year (May) to approve the Health Education Curriculum to be offered in the subsequent school year; and

iii. This committee will comply with all aspects of state rule R277-474-3.

e. Testing Data Analysis:

i. The Academic Excellence Committee is responsible for the analysis of the following testing of students: state required, in-house, ACT, and any other testing that demonstrates student performance in relation to the School's academic program; and

ii. The committee is responsible to present all data analyzed plus a summary of the data to the Board during each October's board meeting.

f. School Lands Trust Committee (School Community Council):

i. An additional member of the school staff will be elected annually by the staff to serve on the School Land Trust Committee for the current year;

ii. The School Land Trust Committee is given the responsibility to make a school plan consistent with Utah Code Section 53F-2-404 and submit the plan to the Board of Trustees for approval; and

iii. The Committee shall provide evidence and a summary report of the School Land Trust Plan's effectiveness in November of the following plan year.

2. Financial Accountability Committee:

a. Membership:

i. The board will appoint each July, three (3) board members to serve on this committee; and

ii. The Board's Treasurer will serve as the committee chair.

b. Responsibilities:

i. The responsibilities of this committee may be expanded by direction of the Board of Trustees at any time.

c. Governance:

i. The Financial Accountability Committee will insure proper accounting controls are implemented and utilized, prescribe and supervise the methods and systems of accounting to be followed, see that complete books and records of account are kept, prescribe and supervise an adequate system of internal audit, and oversee the preparation of statements of account showing the financial position of the School and the results of its operations;

ii. The Committee will present recommendations to the Board for ensuring tax and other required financial reports are filed properly and in a timely manner, as well as recommendations for employing external auditors; and

iii. The Financial Accountability Committee will conduct their own internal audits as deemed necessary by the committee. They will also work with the State auditors when necessary.

3. Executive Committee:

a. Membership:

i. The Executive Committee will be comprised of the Board's President, Vice President, and another board member appointed annually by the Board of Trustees each July; and

ii. The President of the Board will serve as the committee chair.

b. Responsibilities:

i. The responsibilities of this committee may be expanded by direction of the Board of Trustees at any time.

c. Governance:

i. The Executive Committee will ensure that the Board remains aware of and compliant with its by-laws;

ii. Reviews all of the by-laws annually as a committee;

iii. Makes recommendations to the Board of Trustees for any changes to the Board's by-laws;

iv. Responsible for the recruitment, interviewing, and background check compliance of potential new board members to be appointed by the Board or voted in by the parents of students of the School;

v. Conducts onboarding for new board members which includes training in Robert's Rules of Order, Proper Governance, and other training necessary for the new board member to contribute effectively;

vi. Plans or conducts regular training in Governance and other matters relevant to an effective governing board; and

vii. Conduct the parent election of Board members for seats 6 & 7 as outlined in the Board's by-laws and recommend those elected to be appointed by the Board of Trustees.

d. Policies:

i. Reviews all Board policies with the Board of Trustees annually;

ii. Meets as a committee to review policies for compliance with state laws and the School's charter, mission, and vision. The committee will suggest revisions for policies to the Board as needed or directed by the Board of Trustees; and

iii. Writes new policies as directed by the Board of Trustees or as considered necessary by the committee. New policies will be presented to the Board of Trustees in an open meeting.

e. Director:

i. Reviews the Director's SMART goals in accordance with Board's bonus policy. Ensures the written SMART goals are included in the Director's wage agreement at the time an offer is extended to the Director. The committee shall submit the SMART goals for review by the board in a closed session prior to the Board President signing off on the Smart goals;

ii. Establish a policy for reviewing the Director on a tri-annual basis. Submit the policy for consideration by the Board of Trustees in an open meeting; and

iii. Conduct a tri-annual Director Performance Review.

f. Correspondence with the State:

i. Review or write all correspondence regarding the operation, functionality, or legal issues, and other relevant communications prior to any written document being sent to the State. This includes written correspondence by the Director of the School; and

ii. In case of an emergency or urgent response needed situation, the Director is authorized to respond on behalf of the school if every effort has been made to contact the Board President and/or Vice President.

COMPREHENSIVE COUNSELING AND GUIDANCE

Original Adopted Date: 08/11/2015

Purpose

Policy

Lumen Scholar Institute will strive to have every student graduate from high school with the skills, knowledge and dispositions essential for success according the the Utah State Office of Education Comprehensive Counseling and Guidance found on the following USOE website:

http://www.schools.utah.gov/cte/ccgp/

COURSE SUBSTITUTION

Original Adopted Date: 01/20/2022

Policy

Lumen Scholar Institute (the "School") offers classes satisfying the Grade 7-8 General Core Requirements specified in Utah Administrative Code Rule R277-700. In accordance with R277-700, the School may, upon request and with parental consent, substitute a Grade 7-8 General Core Requirement with a course, extracurricular activity, or experience that is either (a) similar to the course requirement or (b) consistent with the student's plan for college and career readiness.

The course substitution request and parental consent described above must be provided to the School Director or Chief Administrative Officer in writing and must (a) identify the course requirement seeking to be substituted; (b) identify and describe the desired course, extracurricular activity, or experience to be substituted for the course requirement; (c) explain how the desired course, activity or experience is similar to the course requirement and/or consistent with the student's plan for college and career readiness; and (d) explain why it is in the student's best interest to substitute the desired course, activity, or experience for the course requirement.

The School Director or Chief Administrative Officer will decide whether to grant course substitution requests based on a determination of what is in the student's best interest and other relevant factors related to the specific request.

This policy only applies the substitution of Grade 7-8 General Core Requirements as described in R277-700.

Appeal Process

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

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

CRIMINAL BACKGROUND CHECKS AND ARREST REPORTING

Original Adopted Date: 02/08/2015 | **Last Revised Date:** 08/15/2024 | **Last Reviewed Date:** 08/15/2024

Purpose

The purpose of this policy is to protect the safety, health, and security, of the School's students, employees, and property. This policy is intended to ensure that all students are instructed and served by teachers, employees, board members, and volunteers who have not performed acts or violated laws that could or would result in endangering students.

Definitions

1. "Potential Employee" means all persons identified by the School for possible employment with the School.
2. "Licensed Educator" means the same as that term is defined in Utah Administrative Code (UAC) R277-316 and are considered employees of the School.
3. "Contract Employee" means an employee of a staffing service or other entity who works at the School under a contract. (Utah Code Annotated (UCA) § 53G-11-401).
4. "BCI" means the Bureau of Criminal Identification within the Department of Public Safety, a state agency.
5. "Board Member" means a person who serves on the Board of Trustees for the School.
6. "Offenses Against the Person" means those offenses listed in UCA, Title 76, Chapter 5, including but not limited to assault and related offenses, criminal homicide, kidnapping, trafficking, smuggling, sexual offenses, and genital mutilation.
7. "Criminal History Report" means a report, record, or other criminal history information generated by the FBI and/or BCI after a search of State of Utah criminal history files and/or other state and federal databases in accordance with the law.
8. "Director" means the person authorized by the Board of Trustees to direct any of the affairs of the School that fall outside of the Board's responsibility.

9. “Driving Record Report” means traffic-related offenses contained in the Utah Division of Motor Vehicle databases.

10. “Background Check” or “Background Investigation” means, as allowed by law, a nationwide review of criminal or other public records to obtain information on an employee or volunteer applicant that may include, but is not limited to, criminal history reports and driving records reports.

11. “School” means Lumen Scholar Institute.

12. "Non-licensed employee" means an employee of the School that does not hold a current Utah educator license issued by the Utah State Board of Education. (UCA § 53G-11-401)

13. “Volunteer” means a person who may be given significant unsupervised access to a student of the School in connection with the volunteer's assignment. (UAC R277-316).

Policy

1. Individuals Subject to Background Checks and Ongoing Monitoring:

    a. Employees (licensed educators, contract employees, and non-licensed employees, including substitutes) must submit to a criminal background investigation as a condition of employment;

    b. Board members must submit to a criminal background investigation as a condition of appointment; and

    c. Volunteers with significant unsupervised access to a student in connection with the volunteer's assignment must submit to a criminal background check as a condition of service. Until the background check is complete, the volunteer must remain under the supervised observation of a School employee.

2. Information obtained from a background check may be used as a basis to refuse employment, appointment, or access of an employee, volunteer, or Board member at or to the School, or to a student, at the sole discretion of the School. Failure to comply with this provision shall be a basis for termination of the arrangement or agreement with the individual.

3. A background check and ongoing monitoring shall be required for the renewal of any Utah educator license in accordance with UAC R277-301 and -302.

4. Conducting the Background Check:

a. Potential employees, Board members, and volunteers shall complete applicable forms (consent, waiver, etc.) as a condition of employment/appointment. The forms may require self-disclosure of criminal misconduct or violations of the law. The information obtained from the background check and related forms may be compared for accuracy. Any misstatement, omission, or misinformation on the forms is grounds to not hire or for dismissal;

b. Employees (potential, licensed educator, contract, non-licensed, or substitute), Board members, or volunteers who decline to submit to a background check as allowed by law or who have criminal histories that put students or members of the School community at risk, as evidenced in the results of the background check, or fail to report a citation, arrest, charge, or conviction as outlined in this policy cannot be employed by the School. Such individuals are subject to termination of employment, revocation of volunteering or Board member privileges, and/or will not be offered employment or appointment;

c. A criminal conviction does not necessarily preclude employment, volunteering, or Board member activities with the School. To the extent permitted by law, the School has the sole and absolute discretion to determine whether the outcome of a criminal background check will result in administrative action to include the decision to terminate employment, the decision to not hire, or the decision not to authorize volunteering activities by an individual. Likewise, the dismissal of a criminal offense or arrest does not necessarily preclude the School from taking administrative action against an employee, Board member or volunteer. The commission of certain crimes and offenses, including those in UCA § 53E-6-603, prohibit an individual from being employed by or volunteering in the School; and

d. The School will immediately suspend an employee, Board member, or volunteer from student supervision responsibilities pending the outcome of any investigation upon receipt of information concerning alleged sex offenses or other alleged offenses which may endanger students or interfere with the orderly operation of the School. Suspensions are generally without pay. Employees and volunteers will also be immediately suspended from transporting students for alleged offenses involving alcohol or drugs during the period of investigation.

5. Review and Investigation:

   a. The School may consider both criminal and/or administrative findings. The safety and security of students will be the foremost consideration. The School shall consider each circumstance on a case-by-case basis and use the following factors to determine an employee (potential, contract or non-licensed), a licensed educator, or a volunteer's suitability to work or serve in the School:

      i. Type of conviction;

      ii. Relevance of any conviction to the individual's position;

iii. A history of multiple convictions that suggests a pattern of criminal behavior or bad judgment;

iv. Amount of time that has passed since a conviction and/or the completion of a sentence;

v. Frequency and severity of the crime(s);

vi. Age of the individual at the time the crime was committed; and

vii. Evidence of rehabilitation;

b. Any statement of an employee (potential, contract, licensed, non-licensed, or substitute), Board member, or volunteer on applications, personnel records, forms, or documents submitted to the School that is later deemed to be a misstatement, omission, or misinformation when verified with the results of a background check, is grounds to not hire, for dismissal, or for revocation of volunteering privileges;

c. If a person is denied employment or appointment to the Board or is dismissed from employment or appointment to the Board because of information obtained through a criminal background check, the person will receive written notice of the reasons for denial or dismissal and have an opportunity to review and respond to any criminal history information and request a review of the denial or dismissal within 5 working days. Volunteers who are denied volunteering privileges or who have volunteering privileges revoked because of information obtained through a criminal background check will receive verbal notice and a written notice as described above upon request; and

d. Information obtained from a background check is confidential within the guidelines of the Government Records and Access and Management Act (GRAMA).

6. Payment for Background Check and Fingerprinting:

a. Licensed educators may be required to pay the designated cost of background checks and associated fingerprinting subject to the provisions of UCA § 53G-11-402(2).

b. The School shall pay the cost of the background check fee and fingerprinting fee for any non-licensed or contract employee, including substitutes, and for volunteers and Board members.

7. Privacy Risk Mitigation Strategy:

a. The School will employ reasonable privacy risk mitigation strategies to ensure that the School only receives background check notifications for individuals with whom the School maintains an authorizing relationship. Specifically, the School shall terminate ongoing monitoring for employees upon the termination their employment with the School and for Board members upon their resignation from the Board or upon the expiration of their Board member term without renewal, unless good cause exists to maintain ongoing monitoring for such individuals

(such as if they request and are approved to continue on at the School in the capacity of a volunteer).

b. With respect to non-Board Member volunteers, the School shall maintain a list of volunteers who are registered for ongoing monitoring, periodically consult with relevant School personnel to determine whether such individuals are still volunteering for the School, and ensure that ongoing monitoring for such individuals is terminated when appropriate. In addition, the School shall:

    i. Upon receiving notification of criminal activity, review the current status of the individual in relation the School; and

    ii. Decline to accept and review the detail of the notification if the individual named is no longer employed or authorized to volunteer by the School.

8. Required Reporting of Arrests and Other Offenses:

    a. Licensed educators (reportable as defined in UAC R277-217-4), any and all other employees (contract, non-licensed, and substitutes), volunteers, and Board members of the School (reportable as defined in UAC R277-316-4) who are cited, charged, and/or arrested with the following alleged offenses shall report the incident(s) as soon as possible, or within 48 hours, using the Educator Notification of Arrest Form, to the School Principal or Director:

        i. Any matters involving an alleged felony, or relevant misdemeanor offenses;

        ii. Any matters involving minors;

        iii. Any matters involving alleged sex offenses;

        iv. Any matters involving alleged drug-related offenses;

        v. Any matters involving alleged alcohol-related offenses;

        vi. Any matters for which the subject is currently under court ordered probation;

        vii. Any matters involving alleged offenses against the person under UCA, Title 76, Chapter 5, Offenses Against the Person;

        viii. Any matters involving an alleged felony offense under UCA, Title 76, Chapter 6, Offenses Against Property;

        ix. Any matters involving an alleged crime of domestic violence under UCA, Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and

        x. Any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed above.

b. Employees (licensed educator, contract, non-licensed, substitute), Board member or volunteer shall report to the Director any conviction, plea in abeyance, or diversion agreement for a felony or misdemeanor offense within 48 hours or as soon as possible upon receipt of notice of conviction, plea in abeyance, or diversion agreement using the Educator Notification of Arrest Form;

c. The Director shall report arrest, conviction, or offense information to the Board of Trustees, as legally allowed by law, on all employees, Board members, and volunteers;

d. The Director shall report arrest, conviction, or offense information received from LICENSED EDUCATORS to the Educator Licensing Department of the Utah State Board of Education (USBE, State Board, or UPPAC) within 48 hours through forms found on the USBE website (UPPAC page of the Educator Licensing Department);

e. The employee shall report for work following an arrest and notice to the Principal or Director unless directed not to report for work by administration. Volunteers may report for volunteering activities following an arrest and notice to the Director unless directed not to report for volunteering activities by administration; and

f. The School may take employment or disciplinary action (up to and including dismissal), refuse to consider an applicant for employment, or refuse to hire a selected applicant for any offense relevant to the subject's assignment, refuse appointment to Board of Trustees (up to and including dismissal), or grant volunteering privileges to volunteers. Offenses relevant to all School assignments include but are not limited to the following:

    i. Any matters involving an alleged felony, or relevant misdemeanor offenses;

    ii. Any matters involving minors;

    iii. Any matters involving alleged sex offenses;

    iv. Any matters involving alleged drug-related offenses;

    v. Any matters involving alleged alcohol-related offenses;

    vi. Any matters for which the subject is currently under court ordered probation;

    vii. Any matters involving alleged offenses against the person under UCA, Title 76, Chapter 5, Offenses Against the Person;

    viii. Any matters involving an alleged felony offense under UCA, Title 76, Chapter 6, Offenses Against Property;

    ix. Any matters involving an alleged crime of domestic violence under UCA, Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and

x. Any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed above.

9. Additional References:

   a. UCA § 53-10-108 – Limited Use of Records for Employment Purposes.

   b. UCA § 53G-11-401 *et seq.* – Background Checks.

   c. UCA § 53E-6-603 – Ineligibility for Educator License.

   d. UAC R277-301 – Educator Licensing.

   e. UAC 277-302 – Educator Licensing Renewal.

   f. UAC R277-217 – Educator Standards and LEA Reporting.

   g. UAC R277-316 – Professional Standards and Training for Non-licensed Employees and Volunteers.

CONCURRENT ENROLLMENT – ADMINISTRATIVE REGULATION

Original Adopted Date: 08/03/2021

Administrative Regulation: Concurrent Enrollment

1. Qualifications to Participate

a. Per Utah State code R277-713, the School establishes eligibility requirements for students to participate in early college courses, called Concurrent Enrollment.. These requirements include:

b. An Accuplacer score that meets the course prerequisites according to the higher education institution's policy;

c. A high school cumulative GPA of 3.0;

d. Maintain a 3.0 GPA in high school and higher education institution courses each grading period;

e. No failed courses for any grading period once enrolled in concurrent enrollment;

f. Students must be actively seeking a high school diploma in conjunction with college courses;

g. Remain in good standing for disciplinary and citizenship at the School. Citizenship comprises a student's attitude, respectfulness, peer interaction, course participation, attendance, and contribution to the academic environment of the class. Behavior that disrupts or diminishes the academic environment is not acceptable. Students must have the maturity to address the subject matter in the courses and be able to work independently and function without parental supervision.

h. Pay the admission fee of $35 to the higher education institution, the $5.00 per-credit-hour class fee, and any other course fee requirements as governed by the higher education institution.

2. Enrollment Status

a. Probation from Concurrent Enrollment

i. Failure to maintain these academic and citizenship standards will result in probation or expulsion from the CE program. Students must unenroll from all CE classes unless permission is granted to resume participation in the program.

ii. If the student fails to meet the basic academic and citizenship requirements while on probation for more than 2 semesters, the student will then be suspended from the CE Program

b. Reinstatement into Concurrent Enrollment Program

i. After a suspension or probation from the CE Program, a student must achieve a high school cumulative GPA of 3.0 in all courses and meet all other criteria of the program to be reconsidered to participate in the program;

ii. Interview with the Secondary Counselor;

iii. Approval of the High School Principal.

3. Following this administrative regulation, the school has the discretion to make all decisions on CE participation, including enrollment, probation, and reinstatement.

COST OF GOVERNANCE

Original Adopted Date: 08/11/2015

1. Because poor governance costs more than learning to govern well, the board will invest in its own governance capacity.

a. Board skills, methods, and supports will be sufficient to ensure governing with excellence:

i. Training and retraining will be used liberally to orient new members and candidates for membership, as well as to maintain and increase existing members' skills and understanding;

ii. Outside monitoring assistance will be arranged so that the board can exercise confident control over organizational performance; and

iii. Outreach mechanisms will be used as needed to ensure the board's ability to listen to Lumen community viewpoints and values.

iv. Costs will be prudently incurred, though not at the expense of endangering the development and maintenance of superior capability.

2. The board will establish its Cost of Governance budget for the next fiscal year during the month of April for inclusion in the school's budget for the following fiscal year.

CONFLICT OF INTEREST

Original Adopted Date: 07/14/2015

Purpose

The purpose of the following policy and procedures is to prevent the personal interest of staff members, board members, and volunteers from interfering with the performance of their duties to Lumen Scholar Institute (School), or result in personal financial, professional, or political gain on the part of such persons at the expense of School or its members, supporters, and other stakeholders.

Definitions

1. Conflict of Interest (also Conflict) means a conflict, or the appearance of a conflict, between the private interests and official responsibilities of a person in a position of trust.

2. Persons in a position of trust means staff members, officers, and board members of School.

3. Board means the Board of Directors.

4. Officer means an officer of the Board of Directors.

5. Volunteer means a person (other than a board member) who does not receive compensation for services and expertise provided to School and retains a significant independent decision-making authority to commit resources of the organization.

6. Staff Member means a person who receives all or part of her/his income from the payroll of School.

7. Supporter means corporations, foundations, individuals, 501 (c) (3) nonprofits, and other nonprofit organizations who contribute to School.

Policy

1. Full disclosure, by notice in writing, shall be made by the interested parties to the full Board of Directors in all conflicts of interest, including but not limited to the following:

a. A board member is related to another board member or staff member by blood, marriage or domestic partnership;

b. A staff member in a supervisory capacity is related to another staff member whom she/he supervises;

c. A board member or their organization stands to benefit from a School transaction or staff member of such organization receives payment from School for any subcontract, goods, or services other than as part of her/his regular job responsibilities or as reimbursement for reasonable expenses incurred as provided in the bylaws and board policy;

d. A board member's organization receives grant funding from School;

e. A board member or staff member is a member of the governing body of a contributor to School; and

f. A volunteer working on behalf of School who meets any of the situations or criteria listed above.

2. Following full disclosure of a possible conflict of interest or any condition listed above, the Board of Directors shall determine whether a conflict of interest exists and, if so the Board shall vote to authorize or reject the transaction or take any other action deemed necessary to address the conflict and protect School's best interests. Both votes shall be by a majority vote without counting the vote of any interested director, even if the disinterested directors are less than a quorum provided that at least one consenting director is disinterested.

3. A Board member or Committee member who is formally considering employment with School must take a temporary leave of absence until the position is filled. Such a leave will be taken within the Board member's elected term which will not be extended because of the leave. A Board member or Committee member who is formally considering employment with School must submit a written request for a temporary leave of absence to the Secretary of the School Board, c/o School's office, indicating the time period of the leave. The Secretary of School will inform the Chair of the Board of such a request. The Chair will bring the request to the Board for action. The request and any action taken shall be reflected in the official minutes of the School.

4. An interested Board member, officer, or staff member shall not participate in any discussion or debate of the Board of Directors, or of any committee or subcommittee thereof in which the subject of discussion is a contract, transaction, or situation in which there may be a perceived or actual conflict of interest. However, they may be present to provide clarifying information in such a discussion or debate unless objected to by any present board or committee member.

5. Anyone in a position to make decisions about spending School's resources (i.e., transactions such as purchases contracts) – who also stands to benefit from that decision – has a duty to disclose that conflict as soon as it arises (or becomes apparent); s/he should not participate in any final decisions.

6. A copy of this policy shall be given to all Board members, staff members, volunteers or other key stakeholders upon commencement of such person's relationship with School or at the official adoption of stated policy.

Each board member, officer, staff member, and volunteer shall sign and date the policy at the beginning of her/his term of service or employment and each year thereafter. Failure to sign does not nullify the policy.

7. This policy and disclosure form must be filed annually by all specified parties.

Lumen Scholar Institute
Conflict of Interest Disclosure Form

This form must be filed annually by all specified parties, as identified in the School Conflict of Interest Policy Statement (ratified by School's Board of Directors on July 6, 2015)
_____ I have no conflict of interest to report
_____ I have the following conflict of interest to report (please specify):

_____

_____

_____

_____

_____

_____

_____

The undersigned, by their affixed signature, note their understanding of the implications of this policy.

_____
Signature

_____
Printed Name

_____
Date

DATA MANAGEMENT

Original Adopted Date: 08/11/2015

1. Federal and State Statutes

A. The board acknowledges the requirement to follow federal and state statutes for the protection and proper management of data.

2. Delegation of Responsibility

A. The Director of Operations is appointed to act on behalf of Lumen Scholar Institute as the designated Information Security Officer and to ensure compliance with all Federal and State statutes.

B. The board delegates the responsibility to create a Data Governance Plan to the Operations Director.

DONATIONS AND FUNDRAISING

Original Adopted Date: 07/15/2015 | **Last Revised Date**: 07/21/2022 | **Last Reviewed Date**: 07/21/2022

Purpose

Lumen Scholar Institute (the "School") encourages the contributions of gracious donors who have the resources and the inclination to make donations for the benefit of the School and its students. However, the School does not engage in or sponsor any fundraising activities. The School does not allow its students or its students' parents to be solicited for fundraising purposes nor does it allow its students or students' parents to participate in any fundraisers for or on behalf of the School.

This policy establishes guidelines and standards for the School's acceptance of donations and gifts.

Policy

1. Donations and Gifts:
    a. The School may not transfer or expend donated property (funds, gifts, goods, material, equipment, or other items) in a manner contrary to donor restrictions imposed as a condition of making the donation. The Chief Administrative Officer is responsible for ensuring that donor restrictions of accepted donations are complied with and that compliance can be verified. However, the School may not accept donations with the condition that the donation provide direct benefit to specific School employees, students, vendors, or service providers, or that the School purchase a specific brand of goods or services with the donated funds. The Chief Administrative Officer will ensure that charitable donation receipts are provided to donors as necessary;
    b. The Chief Administrative Officer must approve voluntary donations from private individuals or organizations in excess of $1,000 and any donation involving donor restrictions prior to accepting the donation. The Board of Trustees (the "Board") must approve any voluntary donations from private individuals or organizations in excess of $10,000;
    c. If advertising or other services are offered to a donor in exchange for a donation or gift, the School will objectively value the donation or gift in order to ensure the School receives at least fair value; and
    d. The Chief Administrative Officer must ensure that any applicable fiscal policies of the School are complied with in connection with donations. The School will comply with other applicable laws and regulations, including but not limited to procurement requirements, rules related to construction of improvements, IRS regulations and tax deductible directives, and Title IX requirements.
    e. The Chief Administrative Officer must ensure that charitable donation receipts are provided to donors as necessary.
    f. The School's employer identification number and sales tax exemption number may only be used by School personnel in connection with School-sponsored activities. No other entity may use these numbers.
2. Commitment:
    a. The School is committed to principles of gender equity and compliance with Title IX guidance. The School commits to use all facilities, unrestricted donations and gifts, and

other available funds in harmony with these principles. The School reserves the right to decline or restrict donations and gifts, including those that might result in gender inequity or a violation of Title IX.

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

The Board will review this policy at least annually.

DROPOUT PREVENTION AND RECOVERY

Original Adopted Date: March 27. 2023

Policy

Lumen Scholar Institute (the "School") adopts this policy in accordance with the requirements of Utah Code § 53G-9-801 *et seq.* and Utah Administrative Code R277-606.

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

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

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

1. Consulting with designated students and developing a learning plan to identify:
    a. Barriers to regular school attendance;
    b. An attainment goal; and

c. Means for achieving the attainment goal.

2. Monitoring a designated student's progress toward reaching the designated student's attainment goal. The attainment goal will be measurable and correlated with what would be considered a year's worth of progress.

3. Providing tiered interventions and flexible enrollment options for a designated student who is not making progress toward reaching the student's attainment goal, including meeting regularly with the designated student. Membership days for the student will be determined according to the School's attendance and enrollment policies and procedures.

DUAL ENROLLMENT AND SPLIT ENROLLMENT

Original Adopted Date: 07/15/2015 **| Last Revised Date:** 08/17/2023 **| Last Reviewed Date:** 08/17/2023

Purpose

The purpose of this policy is to articulate the position of Lumen Scholar Institute (the "School") on the dual enrollment and split enrollment of students in the School.

Definitions

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

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

Policy

Dual Enrollment

The School allows students in grades 7-8 to dually enroll in the School. Students in grades 7-8 may dually enroll in a maximum of two courses at the School. This policy is consistent with Utah Administrative Code Rule R277-438, which gives charter schools discretion as to whether or not to allow dual enrollment in their schools.

Split Enrollment

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

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

The School allows part-time split enrollment and majority-time split enrollment.

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

Part-Time Split Enrollment. To qualify for part-time split enrollment at the School, a student must (1) enroll in a maximum of two courses at the School and (2) enroll in a minimum of four courses at another public school. Therefore, no student will be allowed to participate in part-time split enrollment at the School unless they plan to enroll in no more than two courses at the School, enroll in at least four courses at another public school, and their request for part-time split enrollment is approved by the School. In addition, part-time split enrollment in the School will only be allowed if another public school is the

student's primary LEA, meaning the LEA which reports the student to be in regular membership and, if applicable, special education membership (sometimes referred to as the student's "school of record").

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

On Track to Graduate. Students who are not on track to graduate will not be allowed to split enroll in the School

Requests for Dual Enrollment or Split Enrollment

In order for a request for dual enrollment or split enrollment to be considered by the School, the request must be submitted to the School counselor using the approved forms provided by the School before any appropriate deadline set by the School. The Chief Administrative Officer will approve or deny requests for dual enrollment or split enrollment and, notwithstanding anything to the contrary in this policy, has full discretion in making such decisions.

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

Extracurricular and Co-Curricular Activities

The Chief Administrative Officer may establish administrative regulations regarding the eligibility or ineligibility of the School's dually enrolled or split enrolled students to participate in the School's extracurricular and co-curricular activities. The administrative regulations must be consistent with this policy and applicable law and rule, including Utah Code § 53G-6-701 ET SEQ. and Administrative Code Rules R277-438 and R277-494.

EFFECTIVE EDUCATOR STANDARDS POLICY

Original Adopted Date: 09/23/2021 | **Last Revised Date**: 09/23/2021

Purpose

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

Policy

Application of Effective Educator Standards

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

(a) Administrators are responsible for meeting the Effective Teaching Standards and demonstrating the traits, skills, and work functions in the Educational Leadership Standards;

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

(c) Teachers are responsible for demonstrating the skills and work functions in the Effective Teaching Standards.

Implementation of the Effective Educator Standards

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

(a) Developing professional learning experiences and professional learning plans for educators' relicensing;

(b) Establishing a collaborative professional culture in order to facilitate student learning;

(c) Adopting formative and summative educator assessment systems; and

(d) Implementing induction and mentoring activities for beginning teachers and administrators.

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

Charter School Administrators

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

EDUCATOR ENGAGEMENT AND ENGAGEMENT SURVEY

Original Adopted Date: 04/23/2020

Policy

1. The school shall administer public educator exit and engagement surveys to educators (i.e. classroom teacher, special education teacher, or school-based specialist) as required by Utah state statute, USBE administrative rule, and governing board policy.

2. The school shall utilize the USBE recommended platform for survey questions in order to assure data quality and uniformity.

3. The school recognizes the responsibility of its Board and staff to protect Personally Identifiable Information

(PII), which may be sensitive, private, or protected under Utah's Government Records Access Management Act (GRAMA). To properly administer surveys, and in order to protect PII, the school will use only secure methods of survey administration, data collection, and transfer. \

4. The intervals for administration of surveys will be in accordance with USBE rules.

5. All required data shall be transferred to the school's Board of Trustees and the State Superintendent of Public Education by June 30th of each calendar year.

6. Consistent with USBE rule, surveys:

a. Shall allow Educator to remain anonymous,

b. May NOT request the Educator's CACTUS ID number,

c. Shall ask each Educator to voluntarily identify the Educator's school, and

d. May ask each Educator to provide basic non-identifying demographic data as requested by the State Superintendent.

7. The Board of Trustees delegates the responsibility to administer public educator exit and engagement surveys on behalf of the Board of Trustees to the school's Director of Operations.

8. Surveys may provide objective and subjective data to be used by the school's Board of Trustees, as well as the Utah State Board of Education (USBE) and other relevant, authorized parties.

EDUCATOR LICENSE REQUIREMENTS (APPL)

Original Adopted Date: 07/23/2020 |

Policy

1. The Board of Trustees is committed to compliance with Utah State Board of Education (USBE) rules outlining requirements and procedures for obtaining educator licenses required for employment as a licensed educator.

2. The Board of Trustees also recognizes that the School is authorized to determine candidates for LEA-specific license areas of concentration and endorsement in accordance with R277-301 (7).

3. The Board of Trustees recognizes the requirements of content knowledge and pedagogical requirements for licensed educators, including required criminal background checks and ethics review in accordance with state law and procedure.

4. The Board of Trustees authorizes the school's Administration to establish administrative regulations consistent with this policy.

ELECTRONIC MEETINGS

Original Adopted Date: 11/17/2022 | **Last Revised Date:** 08/15/2024 | **Last Reviewed Date:** 08/15/2024

Purpose

The purpose of this policy is to establish the means and procedures by which Lumen Scholar Institute's Board of Trustees (the "Board") may conduct electronic meetings in accordance with the provisions of the Utah Open and Public Meetings Act (the "Act"), including Utah Code § 52-4-207.

Policy

Definitions

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

Electronic Meetings

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

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

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

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

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

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

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

Notice

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

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

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

EMPLOYEE AND CONTRACTED THIRD-PARTY DRESS CODE

Original Adopted Date: 06/12/2018

Purpose

The purpose of this policy is to establish a professional dress code for school employees and contracted third-parties.

Definitions

1. "School employee" means administration, teachers, and support staff employed by the School.

2. "Contracted third-party" means contracted individuals who provide services to the school for technical support, business management, and classes or instruction for students.

3. "Business casual" means a style of clothing that is less formal than traditional business wear, but is still intended to give a professional and businesslike impression. Appropriate business casual dress typically includes slacks or khakis, dress shirt or blouse, open-collar or polo shirt, optional tie or seasonal sport coat, a dress or skirt at knee-length or below, a tailored blazer, knit shirt or sweater, and loafers or dress shoes that cover all or most of the foot.

Policy

1. The Director shall provide a written procedure for this policy that has business casual as the standard dress attire for school employees and contracted third-parties. Additionally, the procedure will:

a. Align with accepted professional business standards;

b. Allow for and define periodic "dress down days";

c. Designate specific school events that require business dress for all participants; and

d. Provide for enforcement of the dress code.

EXECUTIVE LIMITATIONS

Original Adopted Date: 07/14/2025 | **Last Revised Date**: 05/11/2018

Purpose

Policy

The Director shall not cause or allow any organizational practice, activity, decision, or circumstance that is either unlawful, imprudent, in violation of commonly accepted business, professional and educational ethics and practices, or not in accordance with the charter of Lumen Scholar Institute.

1. Treatment of Students:

With respect to interactions with students or those applying to be students, the Director shall not cause or allow conditions, procedures, or decisions that are unsafe, untimely, undignified, or unnecessarily intrusive.

a. The Director shall not:

i. Elicit information for which there is no clear necessity.

ii. Use methods of collecting, reviewing, transmitting, or storing client information that fail to protect against improper access to the material and are not in compliance with State record keeping archiving policies.

iii. Fail to operate facilities with appropriate accessibility and privacy including but not limited to:

1. Not enforcing building access procedures;

2. Not ensuring building access is compliant with the Americans with Disabilities Act (ADA);

3. Not keeping all exterior doors locked;

4. Not establishing emergency lock-down and evacuation procedures; and

5. Not maintaining safe drop-off and pick-up procedures.

iv. Fail to establish with students a clear understanding of school expectations, including but not limited to:

1. Dress Code Standards,

2. Academic Standards, and

3. Behavioral Standards.

v. Fail to inform students of this policy or to provide a way to be heard for persons who believe they have not been accorded a reasonable interpretation of their rights under this policy.

2. Treatment of Parents:

With respect to interactions with students or those applying to be students, the Director shall not cause or allow conditions, procedures, or decisions that are unsafe, untimely, undignified, or unnecessarily intrusive.

a. The Director shall not:

i. Elicit information for which there is no clear necessity.

ii. Divulge information or opinion for which there is no clear necessity, including:

1. Information or opinions about a student(s) to persons other than the student's parents.; and

2. Causing or allowing staff members to disclose information or opinion about a student to persons other than the student's parents.

iii. Fail to establish with parents a clear understanding of Lumen expectations, including:

1. Dress code procedures,

2. Safe drop off and pick up procedures,

3. Computing Device Policy, and

4. Return and Report requirements.

iv. Fail to inform parents of these policies or to provide a way to be heard for persons who believe they have not been accorded a reasonable interpretation of their rights under this policy.

3. Hiring of Staff:

With respect to the hiring of staff, the Director may not cause or allow conditions that are unfair, non-compliant with the Lumen Scholar Institute charter, or not in the best interest of the students.

a. The Director shall not:

i. Discriminate on the basis of race, color, sex. pregnancy, childbirth or pregnancy related conditions, age, religion, national origin, disability, sexual orientation, or gender identity;

ii. Make hiring or employment decisions that create a conflict of interest or violate any school policy or section of the charter;

iii. Fail to develop and follow hiring practices and procedures that ensure transparency, legal compliance, and reasonable practices; and iv. Fail to document the reasons for hiring decisions and compliance with policy and administrative practice.

4. Treatment of Staff:

With respect to the treatment of paid and volunteer staff, the Principal/Director may not cause or allow conditions that are unfair, undignified, disorganized, or unclear.

a. The Director shall not:

i. Operate without written personnel rules that (a) clarify rules for staff, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions such as nepotism and grossly preferential treatment for personal reasons;

ii. Retaliate against any staff member for non-disruptive expression of dissent;

iii. Fail to acquaint staff with the Director's interpretation of their protections under this policy;

iv. Fail to acquaint and provide staff with copies of the Lumen charter and any other documentation relevant to their employment;

v. Fail to provide staff with performance assessments and improvement suggestions; and

vi. Allow staff to be unprepared to deal with emergency situations.

5. Financial Planning/Budgeting:

The Director shall not cause or allow financial planning and budgeting for any fiscal year or the remaining part of any fiscal year to deviate materially from the board's approved priorities, risk financial jeopardy, or fail to be derived from a multiyear budget plan.

a. There will be no financial plans that:

i. Are not approved by the board in a public board meeting;

ii. Risk incurring those situations or conditions described as unacceptable in the board policy Financial Condition and Activities;

iii. Omit credible projection of revenues and expenses, separation of capital and operational items, cash flow, and disclosures of planning assumptions;

iv. Provide less for board prerogatives during the year than is set forth in the Cost of Governance policy; and

v. Provide less for instructional operations during the year than is adequate to meet stated Outcomes or to fulfill School's charter.

6. Financial Condition and Activities:

With respect to the actual, ongoing financial conditions and activities, the Director shall not cause or allow the development of financial jeopardy or material deviation of actual expenditures from board priorities established in Outcomes policies.

a. The Director shall not:

i. Expend more funds than have been received in the fiscal year to date unless the board's debt guidelines is met;

ii. Incur debt in an amount greater than can be repaid by certain and otherwise unencumbered revenues within sixty days;

iii. Use any long-term reserves;

iv. Conduct interfund shifting in amounts greater than can be restored to a condition of discrete fund balances by certain and otherwise unencumbered revenues within thirty days without prior board approval;

v. Conduct budget cuts or alterations without prior board approval;

vi. Fail to settle payroll and debts in a timely manner;

vii. Allow tax payments or other government-ordered payments or filings to be overdue or inaccurately filed;

viii. Make a single purchase or commitment of greater than $10,000.00. Splitting orders to avoid this limit is not acceptable;

ix. Acquire, encumber, or dispose of real estate; and

x. Fail to aggressively pursue receivables after a reasonable grace period.

7. Emergency Principal/Director Succession:

To protect the board from sudden loss of Director services, the Director shall not permit there to be fewer than two other individuals sufficiently familiar with board and Director issues and processes to enable either to take over with reasonable proficiency as an interim successor.

8. Asset Protection:

The Director shall not cause or allow school assets to be unprotected, inadequately maintained, or unnecessarily risked.

a. The Director shall not:

i. Fail to insure adequately against theft and casualty and against liability losses to board members, staff, and the organizations itself;

ii. Allow unbonded personnel access to material amounts of funds;

iii. Subject facilities and equipment to improper wear and tear or insufficient maintenance;

iv. Fail to ensure that the facility is clean and presentable to investors, regulators, or the general public;

v. Unnecessarily expose the organization, its board, or its staff to claims of liability;

vi. Make any purchase (a) wherein normally prudent protection has not been given against conflict of interest; (b) of more than $10,000.00 without having obtained comparative prices and quality; (c) of more than $10,000.00 without a stringent method of assuring the balance of long-term quality and cost. Orders shall not be split to avoid these criteria;

vii. Fail to protect intellectual property, information, and files from loss or significant damage;

viii. Receive, process, or disburse funds under controls insufficient to meet the board-appointed auditor's standards;

ix. Compromise the independence of the board's audit or other external monitoring or advice, such as by engaging parties already chosen by the board as consultants or advisers;

x. Invest or hold operating capital in insecure instruments, including uninsured checking accounts and bonds of less that AA rating at any time, or in non-interest-bearing accounts except when necessary to facilitate ease in operational transactions;

xi. Endanger the organization's public image, its credibility, or its ability to accomplish outcomes; and

xii. Change the organization's name or substantially alter its identity in the community.

9. Compensation and Benefits:

With respect to employment, compensation, and benefits to employees, consultants, contract workers, and volunteers, the Director shall not cause or allow jeopardy to financial integrity or to public image.

a. The Director shall not:

i. Change the Director's own compensation and benefits, except as benefits are consistent with a package for all other employees;

ii. Promise or imply permanent or guaranteed employment;

iii. Establish current compensation and benefits that deviate materially from the geographic or professional market for the skills employed;

iv. Create obligations over a longer term than revenues can be safely projected, in no event longer than one year and in all events subject to losses in revenue; and

v. Establish or change benefits so as to cause unpredictable or inequitable situations, including those that:

1. Incur unfounded liabilities;

2. Provide less than some basic level of benefits to all full-time employees, though differential benefits to encourage longevity are not prohibited;

3. Allow any employee to lose benefits already accrued from any previous plan; and

4. Treat the Director differently from other key employees.

10. Communication and Support to the Board:

The Director shall not cause or allow the board to be uninformed or unsupported in its work.

a. The Director shall not:

i. Neglect to submit monitoring data required by the board in Board-Management Delegation policy Monitoring Director Performance in a timely, accurate, and understandable fashion, directly addressing provisions of board policies being monitored, and including Director interpretations consistent with Board-Management Delegation policy Delegation to the Director, as well as relevant data;

ii. Allow the board to be unaware of any actual or anticipated noncompliance with any outcomes or Executive Limitations policy of the board regardless of the board's monitoring schedule;

iii. Allow the board to be without decision information required periodically by the board or let the board be unaware of relevant to outcomes;

iv. Let the board be unaware of any significant incidental information it requires including anticipated media coverage, threatened or pending lawsuits, and material internal and external changes;

v. Allow the board to be unaware that, in the Director's opinion, the board is not in compliance with its own policies on Governance Process and Board-Management Delegation, particularly in the case of board behavior that is detrimental to the work relationship between the board and the Director;

vi. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other;

vii. Allow the board to be without a workable mechanism for official board, officer, or committee communications;

viii. Deal with the board in a way that favors or privileges certain board members over the others, except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the board; and

ix. Fail to submit to the board a consent agenda containing items delegated to the Director requiredby law, regulation, or contract to be board-approved, along with applicable monitoring information.

11. Outcomes Focus of Grants or Contracts:

The Director may not enter into any grant or contract arrangements that fail to emphasize primarily the production of outcomes and, secondarily, the avoidance of unacceptable means.

a. The Director shall not:

i. Fail to prohibit particular methods and activities to preclude grant funds from being used in imprudent, unlawful, or unethical ways;

ii. Fail to assess and consider an applicant's capability to produce appropriately targeted, efficient results; and

iii. Fund specific methods except when doing so for research purposes, when the result to be achieved is knowledge about differential effectiveness of various methods.

FACILITY USE

Original Adopted Date: 07/14/2015

Purpose

Policy

Lumen Scholar Institute (School) shall be available for use under conditions permitted by law, and in accordance with policy adopted by the Luman Board of Trustees. This policy covers all functions which occur outside of regular school hours. The Director will approve all outside usage of the School. Accordingly, he or she shall:

1. Schedule the use for all School facilities, including the building and all outside grounds, outside of the following priority guidelines:

a. Priority I School sponsored educational activities, such as theatrical performances, concerts, "show what you know" events, and after school clubs;

b. Priority II School sponsored non-educational functions, such as athletics, board meetings, and committee meetings;

c. Priority III 501(c)(3) organizations; and

d. Priority IV All other organizations.

2. Schedule the use of the School facilities giving all the School sponsored activities and functions priority over non-sponsored functions and activities. In the event of a conflict, reasonable effort will be made to find a solution.

3. Follow the usage guidelines for the School:

a. The Director is authorized to grant the use of the School facilities in accordance to written policy, as well as establish the conditions of facility use. The Director(s) may reject any application or rescind any agreement for use of the School facilities when the activity is not consistent with the school's charter, goals or mission. Activities that are viewed to be at risk of damaging the School or other individuals shall be rejected;

b. Users are responsible for general clean up after use. The facility is to be returned to its original arrangement and condition by the responsible party, prior to leaving the School. Equipment of the School, such as smart boards, televisions, balls, pianos, etc, may only be used if special written permission has been obtained from the appropriate personnel;

c. The responsible party must sign in with the School designated On-Site Monitor upon arrival, and upon leaving the facility. All minors must be supervised at all times by an adult. The organization or individual using the facility will be responsible for the cost incurred by the School for any damage sustained to the facility or equipment during use; and

d. The above guidelines are general, and are not to be understood as all inclusive.

4. Provide a complete usage guideline to groups upon submitting an application for facility use.

5. Receive a written request from groups desiring to use the School facilities three weeks in advance of the desired usage. The written request must contain the following information:

a. Name of organization and address,

b. Contact person (responsible party) and contact information,

c. Description of the activity, including date/time,

d. Expected number and maximum number of participants,

e. Portion of the facility requested, and

f. Proof of 501(c)(3) status, if applicable.

6. Have a the School facilities use form filled out and on file when facility use has been approved.

7. Create a School facility use form. The form shall contain the conditions of use, responsibilities of user, an indemnification agreement, and insurance requirements. The form must be approved by the School's Insurance Company before it may be used.

8. Cost of use of the building may vary depending on the priority level and will be set by the Director(s).

FAMILY EDUCATIONAL RIGHTS AND PRIVACY POLICY

Original Adopted Date: 09/23/2021 | **Last Revised Date**: 01/16/2025 | **Last Reviewed Date**:

Purpose

The purpose of this policy is to protect the privacy of Lumen Scholar Institute (the "School") students and their families in accordance with applicable law.

Policy

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

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

Training

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

FOOD AND BEVERAGE PREPARATION AND SERVICE

Original Adopted Date: 08/10/2018

Purpose

The purpose of this policy is to establish acceptable guidelines for providing food and beverages for any activity which is sponsored and/or paid for by the school. This policy is based on recommendations made by the School's legal counsel and current state laws.

Policy

1. Preparation of Food & Beverages: All food and beverages served or sold at or by the school to students, staff, parents, or guests of the School must be commercially prepared and packaged. No food preparation may be done by school employees or volunteers. The School may contract with properly licensed food vendors;
2. Service of Food & Beverages: The School shall use safe food handling practices when serving food or beverages. Only staff or volunteers who have a current food handlers permit are allowed to serve food or beverages for school sponsored events, activities, parties, etc.;
3. Food Allergies: The School shall not advertise, imply, or label that any food or beverage being served to students, staff, parents, or guests of the School is allergen free; and
4. The Director is responsible for enforcing this policy.

GENERAL FINANCIAL

Original Adopted Date: 08/11/2015
Revised: 07/21/2022
Last Revised Date: April 20, 2023
Last Reviewed Date: April 20, 2023

1. Internal Controls:
    a. Internal Controls are an integral part of Lumen Scholar Institute's (school) "control environment" to ensure the school's assets are safeguarded and to minimize risk. Internal controls consist of well-crafted policies, procedures, guides (guidelines) and forms indicating *how we're supposed to do it*. They also include implementation and practices (modeling) by leadership and school staff *How we actually do it. How we're supposed to do it* and *how we actually do it* should be the same in almost all circumstances. Internal controls are developed for the purpose of:
        i. Protecting against waste of resources through inefficiencies;
        ii. Protecting resources against embezzlement, bribes, theft or other types of fraud;
        iii. Protecting against poor management, carelessness and unintentional errors;
        iv. Securing compliance with both law and rules of the state, policies of the school and the audit requirements of the State of Utah pertaining to "public funds";
        v. Protecting against loss or destruction of records;
        vi. Ensuring data reliability and accuracy; and
        vii. Evaluating the level of performance of the school's operations;
    b. Under the direction of the Board of Trustees (Board), the school is required to establish and maintain adequate accounting records and implement internal control policies & procedures. Internal control consists of six components: control environment, risk assessment, control activities, information and communication, segregation of duties and monitoring. The objectives of internal control relate to financial reporting, operations, and compliance;
    c. The Board and all levels of administration and instructional staff are responsible for preventing and detecting instances of fraud and related misconduct and for establishing and maintaining proper internal controls that provide security and accountability. The Board and administration are also responsible for recognizing risks and exposures inherent to these areas of responsibility and for being aware of indications of fraud or related misconduct. Any employee with reasonable basis for believing fraudulent or related misconduct has occurred should report such incidents to the designated authorities within the school or to the Utah State Board of Education;
    d. Internal controls provide schools with the foundation to properly safeguard assets, implement policies, provide compliance with state and federal laws and regulations and produce timely and accurate financial information; and
    e. The policies outlined herein will be reviewed at least annually. Employees involved in the processes and procedures associated with these policies will be trained at least annually in their duties.
2. Governing Board Authority:
    a. The Board is responsible for the operation of school in accordance with state and federal laws. The Board is also responsible for operating the school in accordance with the representations

made in its charter. Specifically, the Board shall have the sole authority to approve and will incorporate into its own minutes such matters as:

i. Change of the school's name, with the authorizer and other entities;
ii. Adoption and amendment of the annual budget;
iii. Selection or termination of key employees; the Chief Administrative Officer;
iv. Key employees' salary and benefits changes;
v. Incur debt, mortgages or other encumbrances and their covenants and restrictions, within the terms of the charter;
vi. Investment policies, depository and investment banks;
vii. Purchase or sale of real property;
viii. Review and acceptance of interim monthly financial statements;
ix. Selection of the school's auditor (CPA firm); and
x. Service on the school's audit committee;

b. The Board shall approve purchases as set forth herein; and
c. The Board may review any transaction or account of the school at its discretion.

3. Administrative Authority:
    a. Administration shall adopt procedures to implement these policies consistent with all applicable laws and regulations, and those procedures are incorporated herein by reference; and
    b. The Chief Administrative Officer is authorized by the Board to execute all legal transactions for the school, with the exception of certain capital purchases and indebtedness, etc., noted herein. The Chief Administrative Officer is also authorized to make all purchases and disbursements necessary for the operation of the school, so long as the purchases have been approved as set forth herein. The Chief Administrative Officer and business office staff may independently report on financial transactions directly to the Board periodically in a public board meeting. Both the Chief Administrative Officer and the employee(s) within the business office may report to the Board independently if requested, or if they deem appropriate on certain matters, or in any case where mismanagement or fraud is suspected.
4. Purchasing Levels:
    a. The responsibility for approving purchases is delegated by the Board as set forth below:
        i. All purchases up to $8,000 must be approved by the Chief Administrative Officer;
        ii. All purchases between $8,000 and $12,000 must be approved by either the Board President *or* the Board Treasurer;
        iii. All purchases between $12,000 and $16,000 must be approved by the Board President *and* the Board Treasurer; and
        iv. All purchases above $16,000 must be approved by a majority vote of the Board.
5. Compliance with Laws:
    a. The school will follow all applicable laws and regulations that govern charter schools within the State of Utah. The school shall comply with Title IX and shall not discriminate on the basis of sex in education programs. Applicable federal laws and regulations will be adopted as federal program funds and grant funding is received; and
    b. The school will comply with the Government Records Access Management Act (GRAMA) upon receipt of a proper request for school records under GRAMA by a person or entity. Additionally,

records will be available to the Utah State Board of Education, State Charter School Board or other governmental entity as required.

c. With federal funds, before any expense is proposed in a budget or allocated as an expense, administration shall ensure that the spending meets the federal requirements of supplementing, not supplanting state funding. When budgeting or allocating personnel, services, or other expenses for any restricted program, administration shall ensure:
    i. That the school meets Maintenance of Effort requirements in prior years for applicable programs (see FiCAM p. 39 paragraph 1);
    ii. That federal dollars are allocated to expenses that would not be provided absent the federal funds; and
    iii. That charges to federal awards for salaries and wages are based on records that accurately reflect the work performed, and that the school recognize and follow the Uniform Administrative Requirements pertaining to the *Standards for Documentation of Personnel Expenses* as contained in 2 C.F.R. § 200.430(i). Accordingly, documentation of personnel expenses shall:
        1. Be supported by a system of internal controls which provides reasonable assurance that charges are accurate, allowable, and allocable;
        2. Be incorporated into the school's official records;
        3. Reasonably reflect the total activity for which the employee is compensated;
        4. Encompass both federally-assisted and all other activities compensated by the school;
        5. Comply with the established accounting policies and practices of the school; and
        6. Support the distribution of the employee's salary or wages among specific activities or cost objectives.

6. Political Contributions:
    a. No funds or assets of the school may be contributed to any political party or organization or to any individual who either holds public office or is a candidate for public office. Following are examples of prohibited activities:
        i. Contributions by an employee that are reimbursed through expense accounts or in other ways;
        ii. Purchase of tickets for political fundraising events; and
        iii. Contributions in-kind, such as lending employees to political parties or using the school's assets in political campaigns.
7. Record Keeping:
    a. To provide an accurate record of all financial transactions (a good audit trail), the school's books, records, and accounts are maintained in conformity with generally accepted accounting principles as required by state law applicable to charter schools. This includes recordkeeping in both the modified and full-accrual bases of accounting. Audited financial statements certified by an independent auditor will be prepared annually using the accrual basis of accounting. Further, the school specifically requires that:

i. No funds or accounts may be established or maintained for purposes that are not fully and accurately described within the books and records of the school;
ii. Receipts and disbursements must be fully and accurately described in the books and records;
iii. No false or fictitious vendors, invoices or entries may be made on the books or records nor any false or misleading reports issued; and
iv. Purchase orders and requisition requests must identify the fund, function, location, program, and object or revenue code to which the purchase is to be booked.

8. Record Retention and Disposal:
    a. Records are maintained for the minimum period according to state law and the guidelines of the Utah State Archives. The following records supporting federal contracts, as required by U.S. Office of Management and Budget, are retained for the indicated minimum periods or consistent with state law:
        i. For three years after submission of the final report of expenditures: general ledger, trial balance, accounts payable and accounts receivable ledger, payroll register, and petty cash book, check register and checks, invoices. Except for:
            1. If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.
            2. Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.
            3. Permanently: Audit reports, annual corporate reports, charter, board minutes, tax and legal correspondence, labor contracts, insurance claims and policies, and retirement and pension records.
    b. The disposal date determined under this policy is the end of the fiscal year, or the date of final payment of government grants. All records not supporting government grants or otherwise covered by rules of the Internal Revenue Service are retained according to state law.

GOVERNANCE PROCESS

Original Adopted Date: 08/11/2015

1. The purpose of the board, in compliance with its approved charter, is to ensure that Lumen Scholar Institute achieves appropriate results for its students at an appropriate cost and avoid unacceptable actions and situations.

2. The board will govern lawfully, observing the principles of Policy Governance and the school's charter, with an emphasis on strategic leadership more than administrative details, clear distinction of board and administrative roles, encouragement of open discussion in viewpoints, united rather than individual decisions, and pro-activity rather than reactivity.

3. The board shall produce within the above limitations:

a. Authoritative linkage between the charter and the operational organization of the school.

b. Written governing policies that realistically address the broadest levels of all organizational decisions and situations:

i. Outcomes: the organizational impacts, benefits, outcomes; recipients, beneficiaries, impacted groups; and their relative worth in cost or priority;

ii. Methods: constraints on executive authority that establish the prudence and ethics boundaries within which all executive activity and decisions must take place;

iii. Governance Process: specification of how the board conceives, carries out, and monitors its own task;

iv. Delegation: how power is delegated and its proper use monitored; the director's role, authority, and accountability; and

v. Assurance of successful school performance on outcomes and methods.

HARASSMENT

Original Adopted Date: 08/11/2015

Purpose

Lumen Scholar Institute (the School) is committed to providing an employment environment that is free from harassment and other forms of discrimination based upon race, color, sex, pregnancy, childbirth or pregnancy-related conditions, religion, national origin, age and disability. It is the intent of this policy to prohibit discrimination against any individual or class of persons specifically enumerated as protected under the Civil Rights Acts of the United States and the Utah Anti-Discrimination Act (UCA §34A-5-101 et seq.). It is not the intent of this policy to broaden coverage beyond those classifications specifically protected by federal or state statute. This policy is adopted to assist the School employees in moving toward a workplace that is free of discrimination. It is the policy of the School to provide fair, expeditious and uniform procedures for investigation and resolution of claims of illegal harassment or discrimination.

Definitions

1. Clearly Offensive Conduct means conduct, be it verbal or nonverbal, which when perceived in its overall context, would be taken by a reasonable person, similarly situated, to be strongly objectionable.

2. Complainant means a person who files a written or oral complaint about illegal harassment or discrimination.

3. School Director means the School Director, or another administrator or board member (selected by the Board of Trustees) if the School Director is party (complainant, respondent, or witness) to a harassment complaint.

4. Demeaning or Derisive Behavior means unlawful behavior which substantially lowers the status, dignity or standing of another individual, or which insults or otherwise belittles or shows contempt for another individual.

5. Disability means an individual's physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

6. Discrimination means unlawful conduct, including words or gestures and other actions, which adversely affects an employee's working environment or results in disparate treatment based upon race, color, sex, pregnancy, childbirth or pregnancy-related conditions, religion, national origin, age (if the individual is 40 years of age or older) and disability. Discrimination does not include referral to or use of regular District Administration processes relating to employee evaluation and discipline.

7. Harassment means a form of discrimination that includes unlawful conduct of an offensive nature that is demeaning or derisive or occurs substantially because of the race, color, ethnic background, national origin, religion, sex, creed, age, citizenship or disability and which creates a hostile work environment. Harassment may include but is not limited to any of the three categories listed below:

a. Generalized Harassment: Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, and is severe enough that it creates a hostile working environment. Examples include comments or jokes, physical gestures or visual displays such as posters, etc.;

b. Individually Targeted Harassment: Includes intentional, non-criminal behavior which is targeted at an individual or particular members of a group, which can be verbal, physical or visual that is severe enough or pervasive enough that it adversely affects the working environment. Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin; and

c. Criminal Harassment: Harassing behavior which violates state or federal criminal statutes. Examples include criminal assault, sexual assault, rape, criminal mischief, stalking, arson or trespass.

8. Respondent means a person named in a discrimination complaint as having engaged in or being responsible for, a discriminatory act or omission.

9. Retaliation means any form or sanction, restraint, coercion, discrimination or adverse treatment against a person because that person has asserted, or has assisted another person to assert, a discrimination complaint in either a formal or informal manner with the school, or with any state or federal agency, or because that person has testified, assisted or participated in any manner in an investigation, proceeding or hearing related to a discrimination complaint.

10. Reprisal means the consequences of a subordinate's refusal to submit to the requests and/or demands of a supervisor that result in his/her job being adversely affected; an unlawful use of position to avenge or punish one for his/her refusal to consent/submit. Acts of reprisal may be overt or covert and may take many forms such as:

a. Open hostility to the individual, witnesses, or others involved;

b. Exclusion/ostracism of the individual, witnesses, or others involved, may range from overt to silent rejection;

c. Creation of, or the continued existence of, a hostile work environment;

d. Gender or individual-based negative remarks that are repeated and malicious; and

e. Special attention to, or assignment of the individual or others involved to alternative duties that are less desirable work assignments or even reductions in pay.

11. Sexual Harassment means a form of sex discrimination. It consists of unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is based on one or more of the following conditions:

a. Submission to such conduct is made either explicitly or implicitly as a term or condition to work benefit;

b. Submission to or rejection of such conduct by a co-worker is used as the basis for decisions affecting the work environment; and

c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

d. There are two types of sexual harassment:

i. Hostile Environment: The three levels of hostile environment are the same as those listed for other harassment; e.g., generalized harassment, individually targeted harassment, and criminal harassment; and

ii. Harassment that culminates in a tangible action which alters the conditions of the working environment (also called quid pro quo).

Policy

1. Complaint Procedure:

a. The following procedure is available for those who believe they are victims of harassment or discrimination, or who witness such acts:

i. Seek to resolve issue directly with the accused; and

ii. Seek to resolve issues through administrative personnel. Register a formal complaint with the school director who will initiate an investigation.

b. Any employee who knows of a violation of this policy is expected to report such conduct to a supervisor, administrator or the school director;

c. The initial allegation of harassment may be submitted either orally or in writing; and

d. Complaints must be made to the immediate supervisor/administrator or school director within 45 calendar days after the date of the alleged act of discrimination.

2. Investigative Procedures:

a. If an investigation reveals evidence of criminal conduct, the matter will be referred to local law enforcement. the School will conduct its own internal investigation independent of law enforcement officials;

b. All investigations will be treated with discretion to protect the privacy of those involved. All efforts will be made to treat the information as confidential; however, absolute confidentiality of all information obtained through an investigation cannot be guaranteed;

c. The accused may not contact the complainant during an investigation without the permission of the School and the complainant;

d. When conducting investigations, the school director shall disclose his/her role as a neutral investigator rather than an advocate for any party. The extent of the investigation will be determined, among other factors, by the nature and severity of the charges;

e. An investigation shall be completed as quickly as practicable, but within 30 working days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified if an extension becomes necessary;

f. Within 10 working days of the conclusion of the investigation, the school director shall provide all parties a written disposition of the complaint; and

g. The parties will then have 10 working days to provide written responses to the report and have them considered by the school director.

3. Disciplinary Procedures:

a. Any employee who has been found in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

4. Reprisal/Retaliation:

a. Retaliation under this policy is prohibited. Individuals found to have engaged in retaliatory conduct will face disciplinary action, up to and including termination.

5. Records:

a. Records of all discrimination or harassment complaints shall be maintained by the school director. The records will be kept in a separate and confidential file as required by GRAMA. Information gathered, developed and documented in the investigation will be regarded as a protected record.

6. Outside Reporting Procedures:

a. Nothing in this policy shall prohibit a person from filing a discrimination or harassment claim with Utah Antidiscrimination and Labor Division (UALD) or the Equal Opportunity Commission (EEOC). If an employee pursues a claim of discrimination he/she should be aware that Utah is a "dual filing" state, which means that a complaint is filed with the UALD and the UALD will forward the claim to the EEOC. An employee has a maximum of 180 calendar days from the alleged date of discrimination to file a claim with the UALD.

HEAD INJURY AND CONCUSSION

Original Adopted Date: 10/11/2016 | **Last Revised Date:** 12/14/2023 | **Last Reviewed Date:** 12/14/2023

Purpose

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

Policy

1. The School shall comply with the provisions of Utah Code § 26B-4-401 through -405 and Utah Administrative Code Rule R277-614 regarding the protection of students with concussions and head injuries.
2. The School seeks to provide a safe return to activity for all students following any injury, but particularly a concussion. In order to effectively and consistently manage such injuries, administration shall develop administrative regulations to ensure, among other things, that concussed students are identified, treated and referred appropriately, receive appropriate follow-up medical care in a timely manner, and are fully recovered prior to returning to activity.
3. Administration, PE specialists, and/or coaches shall review this policy and the associated administrative regulations regularly. Any desired changes or modifications must be reviewed and given to appropriate School personnel.
4. Procedures for managing head injuries will be addressed regularly with all appropriate staff.

Original Adopted Date:

ADMINISTRATIVE REGULATION

This administrative regulation is established in accordance with the Instructional Materials Policy adopted by the School's Board of Trustees.

Sensitive Material Review Process

Stakeholders may initiate a sensitive material review by the School if they feel an instructional material used by the School constitutes sensitive material.

However, notwithstanding the foregoing, if a stakeholder makes three unsuccessful challenges during a given academic year, that individual may not trigger a sensitive material review during the remainder of the given school year. An "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the School concludes to be erroneous, either on direct review or on appeal to the Board, resulting in the retention of the given instructional material.

Stakeholders may allege that an instructional material used by the School constitutes sensitive material by submitting the Sensitive Material Review Request Form accompanying this regulation. Upon receipt of the completed form by a stakeholder, the School shall:

Step One – Initial Review

(a)(i) Make an initial determination as to whether the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material, including whether the allegation includes excerpts and other evidence to support the allegation. The Chief Administrative Officer or Director shall designate two or more School employees to make this initial determination for the School (the Chief Administrative Officer or Director can be one of the two employees if he/she desires); and

(ii) If the School's initial determination is that that the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material as described above, the School shall immediately remove the challenged material until the School completes the School's full review of the challenged material as set forth below;

Step Two – Objective Sensitive Material Standards Review (if necessary)

(b)(i) If the School's initial determination is that the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material, engage in a review of the allegations and the challenged instructional material using the objective sensitive material standards. The Chief Administrative Officer or Director shall designate three or more individuals to conduct this review, one of which must be a School community parent (the School employees who conducted the initial review may also be designated to conduct this review); and

(ii) If the School determines that the challenged instructional material constitutes objective sensitive material, the School shall ensure that the material remains inaccessible to students in any School setting;

Step Three - Subjective Sensitive Material Standards Review (if necessary)

(c) If, and only if, the School determines that the challenged instructional material does not constitute objective sensitive material, the School shall:

(i) Review the allegations and the challenged instructional material under the subjective material standards to determine if an instructional material is subjective sensitive material. The Chief Administrative Officer or Director shall designate three or more individuals to conduct this review, but at least two of the individuals must be School community parents (the individuals who conducted the objective sensitive material standards review may also be designated to conduct this review, but at least two of the individuals must be School community parents);

(ii) Allow student access to the challenged instructional material during the School's subjective sensitive material review if the student's parent gives consent regarding the specific challenged instructional material; and

(iii) If the School determines that the challenged instructional material constitutes subjective sensitive material, ensure that the material is inaccessible to students in any School setting, including the termination of the parent consent option described above.

Miscellaneous Review Rules

Neither the individuals responsible for procurement of the challenged instructional materials nor the stakeholder who is challenging the instructional materials may serve on any of the review committees described in the steps above.

If the School requires a School employee to participate on a sensitive materials review committee requiring engagement outside of contract hours, the School shall compensate the employee for the employee's time participating on the committee.

Communication

Soon after the completion of a sensitive material review, the School shall communicate its final determination (regardless of in which step the final determination comes) in writing to the stakeholder who requested the review.

The School shall also communicate to the USBE each stakeholder sensitive material review request, the final determination by the School on each request, and the School's rationale for its final determination on each request. The Chief Administrative Officer or Director shall communicate this information to the USBE on behalf of the School using the form provided by the USBE:

(a) within 30 school days of the final determination; or

(b) if an appeal is in process, at the conclusion of the appeal.

Appeal

A stakeholder may appeal the School's decision to the Board regarding a sensitive material review by submitting to the Board President the Sensitive Material Appeal Request Form within fourteen days of receiving the School's decision. A stakeholder may file such an appeal regardless of whether the School removed or retained the challenged instructional material. The Board shall vote in a public board meeting to decide the outcome of a sensitive material review appeal. In the board meeting, the Board shall clearly identify:

(a) the Board's rational for its decision; and

(b) the Board's determination on each component of the statutory and any additional policy standards used by the Board to reach the Board's conclusion.

Removing Instructional Material that Constitutes Sensitive Material

Removing Instructional Material if State Threshold is Met

In accordance with Utah Code § 53G-10-103(7), the School shall remove instructional material from student access upon being notified by the USBE that the following number of LEAs in the state have determined that the instructional material constitutes objective sensitive material:

(a) at least three school districts; or

(b) at least two school districts and five charter schools.

However, removal from student access under these circumstances is subject to the USBE voting to overturn the application of the statewide removal requirement with respect to the instructional material. If the USBE votes to overturn the application of the statewide removal requirement with respect to the instructional material, the statewide removal requirement no longer applies and the School may choose to return access to the instructional material to its students.

Removing Instructional Material After Sensitive Material Review

The School shall follow the applicable removal requirements described in Steps One through Three of the School's sensitive material review process. In addition, if at the completion of the sensitive material review process the School makes a final determination that an instructional material constitutes sensitive material, the School shall remove the instructional material.

Disposal of Instructional Material

When removing instructional material because it constitutes sensitive material, the School shall:

(a) physically remove the sensitive material from the School;

(b) remove all access by students to the sensitive material;

(c) communicate with the relevant vendors and publishers regarding the School's decision;

(d) legally dispose of the sensitive material; and

(e) not sell or distribute the sensitive material.

Sensitive Material Review Request Form

Information about Instructional Material Requested to be Reviewed:

1) Title:
2) Author:
3) Publisher:
4) Do you believe this instructional material constitutes sensitive material as that term is defined in Utah Code § 53G-10-103? Yes No

Information about Requestor:

1) Name:
2) Phone:
3) Address:
4) Email:
5) Are you a student of Lumen Scholar Institute? Yes No
6) Are you a parent of a student of Lumen Scholar Institute? Yes No
7) Are you an employee of Lumen Scholar Institute? Yes No
8) Are you a board member of Lumen Scholar Institute? Yes No

Information about Review Request:

1) Was this instructional material recommended, assigned, used, or made available through the School? If so, please explain.

2) In your opinion, how does this instructional material constitute sensitive material? Please provide examples, page numbers, links, or other information to help in locating or identifying the content you believe qualifies as sensitive material. Please attach any images or other corroborating evidence. You may attach additional pages as needed.

Requestor's Signature:_____ Date: _____

After you submit this Form, you will receive an acknowledgment of receipt and an estimated timeline for when a decision will be made by the School. The School generally completes its review and makes its final decision between thirty to sixty (30-60) days after its receipt of a request for review.

Sensitive Material Appeal Request Form

Instructions:

A requestor must submit this Form along with a copy of the School's written decision on the sensitive material review request within fourteen (14) days of receiving the School's written decision.

Information about Requestor:

1) Name:

2) Phone:

3) Address:

4) Email:

5) Date you received the School's written decision on your sensitive material review request: _____

6) Are you a student of Lumen Scholar Institute? Yes No

7) Are you a parent of a student of Lumen Scholar Institute? Yes No

8) Are you an employee of Lumen Scholar Institute? Yes No

9) Are you a board member of Lumen Scholar Institute? Yes No

Information about Challenged Instructional Material:

1) Title:

2) Author:

3) Publisher:

4) Please provide a written statement setting forth your rationale for appealing the School's decision regarding the challenged instructional material (attach additional pages as needed).

Requestor's Signature:_____ Date: _____

After you submit this Form, you will receive an acknowledgment of receipt and an estimated timeline for when a decision will be made by the Board in a public board meeting. The Board generally tries to make its decision at a public board meeting between thirty to sixty (30-60) days after its receipt of an appeal.

INVESTMENT

Original Adopted Date: 04/21/2022

Purpose

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

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

The objectives of this policy include the following:

A. To provide for the safety of principal, preservation of capital, and mitigation of risk.

B. To provide for the liquidity necessary to match the School's cash requirements.

C. To increase interest income through higher yielding investments.

Policy

The School shall make investment decisions as follows:

A. All investment activities shall be conducted with the same degree of judgment and care which an ordinary reasonable person exercises in the management of their own affairs.

B. Professionals retained by the School as defined in the Act, so long as they are acting in accordance with the Act and this policy and exercise due diligence, shall be relieved of personal responsibility for credit or market price changes, provided that deviations are reported to the Board of Trustees in a timely fashion and appropriate action, if necessary, is taken to control adverse developments.

C. Individuals involved in the School's investments shall refrain from personal business activity in conflict with proper execution of this policy.

D. The Board of Trustees shall manage investment activities authorized by the Act in consultation with the School's Management Company and, where required, a certified investment adviser. The Board of Trustees shall maintain a system of internal controls so that School funds are protected at all times from loss, theft, and fraud.

E. The Board of Trustees shall name a financial institution with a Utah office as the custodian for all investments made by the School other than PTIF investments, which are held by financial institutions designated by the State Treasurer. In addition, the School shall purchase investments only from those certified dealers and registered agents that have registered with the State Money Management Council.

F. To the extent possible, the School shall attempt to match investments with anticipated cash requirements, although the PTIF is preferred for periods up to two years.

G. Transfers into and out of the School's investment accounts to accomplish the objectives of this policy may be made when approved by the Board of Directors in consultation with the Chief Administrative Officer and the School's Management Company.

LANGUAGE ACCESS

Original Adopted Date: April 20, 2023

Purpose

The purpose of this policy is to help ensure that Lumen Scholar Institute (the "School") provides access to its services, programs, and activities to persons who have limited English proficiency and understand languages other than English.

Definitions

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

"Primary language" means the first language spoken by a student and a student's parent/guardian.

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

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

Policy

Language Access Coordinator

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

Notification to Employees

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

Determination of Primary Language

Within thirty (30) calendar days of a student's enrollment (or re-enrollment) in the School, the School shall determine the primary language spoken by the student and the student's parent/guardian, and if such language is not English, whether the student and parent/guardian require language assistance to communicate effectively with the School.

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

Obligation to Provide Language Assistance Services

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

Interpretation Services

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

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

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

Translation Services

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

(a) registration or enrollment materials, including home language surveys and English learning program entrance and exit notifications;
(b) assignments and accompanying materials;
(c) report cards or other progress reports;
(d) student discipline policies and procedures;
(e) grievance procedures and notices of rights and nondiscrimination;

(f) parent or family handbooks;
(g) requests for parent permission; and
(h) any other guidance, including guidance on when oral interpretation is preferable to written translation, to improve instruction and assistance by teachers, counselors, and administrators to a student learning English and the student's parents/guardians and family.

Centrally Produced Critical Communications

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

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

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

Student-Specific Critical Documents

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

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

<u>Qualifications of Interpreters and/or Translators</u>

Individual interpreters and translators provided by the School do not have to be certified unless certification is required by law. However, they should be competent and, where possible, have experience providing interpretation or translation services for school activities and materials listed in this policy. Where deemed appropriate by the School's Chief Administrative Officer or Language Access Coordinator, the School may utilize online translation services such as Google Translate or Microsoft Translator to translate School materials or documents described in this policy.

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

Complaints

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

Annual Review of Policy

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

LEA-SPECIFIC EDUCATOR LICENSE POLICY

Original Adopted Date: 5/27/2021 | **Last Revised Date**: 4/21/2022 | **Last Reviewed Date:** 4/21/2022

Purpose

Lumen Scholar Institute (the "School") is committed to employing educators who are properly licensed and qualified for their positions. This policy is adopted in accordance with Rule R277-301 and governs the School's application for LEA-specific educator licenses and its employment of educators on such licenses.

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

Policy

Applying for an LEA-Specific Educator License

The School's administration will propose to the Board of Trustees (the "Board") candidates for an LEA-specific educator license as the need arises.

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

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

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

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

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

Criteria for Employing Educators with an LEA-Specific Educator License

The School will use the following processes and consider the following criteria in determining whether to

employ an educator and apply for an LEA-specific educator license:

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

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

Educator Preparation and Support

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

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

Website Posting

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

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

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

LIBRARY MATERIALS

Original Adopted Date: 08/18/2022

Purpose

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

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

Policy

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

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

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

Regulations

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

LOTTERY AND ENROLLMENT

Original Adopted Date: 08/11/2015

Policy

1. Statement of Disclosure:

a. Lumen Scholar Institute (the School) is a public charter school open to all Utah students without discrimination and on the same basis as other public schools. the School will consider the application of any student who submits a timely application and does not discriminate on the basis of race, religion, gender, ability, ethnicity, socioeconomic status, proficiency in English, or national origin. Admissions, enrollment, and transfer procedures comply with Utah Code 53A-1a-505 which governs such processes in the State of Utah. the School charges no tuition and only those fees allowed by law.

2. Enrollment:

a. Open enrollment for each new school year begins in the month of January of each current school year according to the posted calendar. the School enrolls current students first for any new school year, and then conducts a lottery or lotteries when the number of students making application to the school exceeds the enrollment capacity in any grade, class, or program within the school.

3. Preferences:

a. While the lottery selects students at random, preference is given to the following individuals in any lottery consistent with applicable state and federal law:

i. Children of faculty and staff,

ii. Children of members of the Board of Directors, and

iii. Siblings of currently enrolled students.

b. Sibling preference is granted beginning with the highest available grade and moving down. If preference is granted to a sibling, that student is placed in the next available slot on appropriate grade list following “children of founding parents” and “children of teacher” status students. Sibling preference is in place only while the first-placed student remains enrolled. If the first-placed student, who qualified siblings for preferential enrollment, is withdrawn before October 1, any siblings will lose sibling preference and move back into their place in the lottery.

4. Lottery:

a. As per approved current lottery policy.

ADMINISTRATIVE REGULATION

1. UTAH RESIDENCY

A. Except as set forth in Utah Code § 53G-6-306, students at Lumen Scholar Institute (the "School") are required by law to be residents of Utah throughout the school year in which they are enrolled.

B. The School considers students to be Utah residents when their primary residence is in Utah.

C. The School acknowledges that the families of some students enrolled at the School may, on occasion, need to temporarily reside outside of Utah due to parent/legal guardian jobs, extended travel, family issues, or other reasons. Upon becoming informed of such situations, the School shall determine whether such situations are sufficiently temporary and whether the students involved are still Utah residents for purposes of remaining enrolled in the School in compliance with the law. Those students found to still qualify as Utah residents may remain enrolled in the School and those found to no longer qualify as Utah residents shall be withdrawn from membership in the School. The School generally requires students to temporarily reside no more than a total of 60 days outside of Utah during the school year.

2. PROOF OF UTAH RESIDENCY

A. As part of the School's registration process, the School may require parents/legal guardians to provide proof of Utah residency as a condition of enrolling their child(ren) in the School.

B. Proof of Utah residency is achieved by submitting the necessary documents outlined in the Proof of Utah Residency Procedures on the following page.

C. The School may, in its discretion, require parents/legal guardians to update their proof of Utah residency documents during the school year in order to ensure the School's records are current.

3. MAILING OF SCHOOL MATERIALS

A. The School mails instructional materials to its students multiple times during the school year. The packages contain such items as curriculum, technology, and other instructional materials. The School will mail such packages to each student's primary residence in Utah or, upon written request of a parent/legal guardian, to a different address in Utah. The School will not mail the packages to an out-of-state address.

4. STATEWIDE ASSESSMENTS

A. The School administers statewide assessments inside the state of Utah. Therefore, all unexempted students enrolled in the School must be present in the state of Utah to take a statewide assessment.

Proof of Utah Residency Procedures

To be enrolled in Lumen Scholar Institute, parents/legal guardians must present TWO forms of documentation showing that the student's primary residence is in Utah. The documents below may be used to show Utah residency.

MEDIA USE IN CLASSROOM

Original Adopted Date: 09/26/2019

1. The Board of Trustees recognizes that videos and multimedia presentations are an integral part of the online instructional model, when used appropriately.

2. The Board also recognizes that the best way for students to learn is to have information presented in several ways guided by excellent teachers and supplemented with student-completed exercises that apply concepts taught.

3. The Board of Trustees authorizes the Director of Academic Affairs to develop administrative regulation that is consistent with this policy to ensure all media used in the classroom is appropriate, short, relevant to the subject and specific lesson taught, and connected to a student-completed exercise.

NON-TRAVEL MEALS AND REFRESHMENTS

Original Adopted Date: 12/12/2017

1. School funds may be used to purchase and provide food, drink, and tableware to school guests, volunteers, students, and employees, when deemed necessary or appropriate by administration.

2. Administration may hold events during the year to show appreciation for employee(s) and/or volunteer efforts. The cost of the event should be reasonable and may include guests or family members at the Administration's discretion.

3. Administration is authorized to host a reception for employees retiring or separating from the School (one per employee). Reasonable expenditures are permitted.

4. Holiday functions are permitted and may include guests or family members at the administration's discretion. The cost of such functions must be reasonable and may not be charged against any contract or grant fund or reimbursed overhead.

5. Refreshments, meals, and beverages for Board of Trustees and staff meetings, retreats, and workshops are permitted when appropriate for the time and duration of the event.

6. School funds can pay for refreshments or meals served to employees at business functions including training, seminars, and other similar functions when authorized to attend by the school and the function is at least two hours in duration.

7. The Board authorizes school administration to develop administrative regulations that comply with this policy.

NUTRITION AND PHYSICAL ACTIVITY WELLNESS

Original Adopted Date: 02/15/2017

Purpose

Policy

To optimize student performance potential, the Lumen Scholar Institute Board of Directors promotes healthy schools by supporting wellness, good nutrition, and regular physical activity as part of the total learning environment. Lumen supports a healthy environment where children learn and participate in positive dietary and lifestyle practices. Schools contribute to the basic health status of children by facilitating learning through the support and promotion of good nutrition and physical activity.

1. Opportunities for Physical Education and Physical Activity:

a. A quality physical education program is an essential component for all students to learn about and participate in physical activity. A sequential developmentally appropriate curriculum shall be utilized to help students develop the knowledge, motor skills, self-management skills, attitudes and confidence needed to adopt and maintain physical activity throughout their lives, consistent with the State Core Physical Education Curriculum.

2. Opportunities for Nutrition Education:

a. A quality nutrition education program is an essential component for all students to learn in an effort to positively influence students' eating behaviors. Nutrition education topics shall be integrated within the sequential, health education program taught at every grade level. The nutrition education program shall focus on students' eating behaviors, be based on theories and methods proven effective by published research, and be consistent with the State Core Health Education Curriculum.

3. Nutrition Guidelines for Foods Available in Schools:

a. Lunch services will not be provided by the school. Other food items on school grounds and at school-sponsored activities during the instructional day are encouraged to include healthy snack options.

4. Monitoring and Policy Review:

a. The school director will ensure compliance with this policy in the school and will report on the school's compliance to the Board, as necessary.

OBSERVATIONS AND MEDICAL RECOMMENDATIONS BY SCHOOL PERSONNEL

Original Adopted Date: 07/01/2020

Purpose

The purpose of this policy is to help ensure that appropriate Lumen Scholar Institute (the "School") personnel receiving training on Utah Code § 53G-9-203.

Policy

The School's Chief Administrative Officer shall ensure that appropriate School personnel receive training on the provisions of Utah Code § 53G-9-203, including but not limited to training regarding medical recommendations by School employees and rules related to School employees communicating information and observations about a student's health and/or welfare. School employees who intentionally violate Utah Code § 53G-9-203 will be subject to discipline up to and including termination.

PAID PARENTAL AND POSTPARTUM RECOVERY LEAVE

In accordance with Utah Code § 53G-11-209, the School offers qualified employees paid parental and postpartum recovery leave to enable employees to care for and bond with their new child and to recover from childbirth. This policy is effective July 1, 2025.

Definitions

For purposes of this policy:

"Parental leave" means leave hours the School provides to a parental leave eligible employee.

"Parental leave eligible employee" means a School employee who receives regular paid personal time off (PTO) benefits from the School and is:

(a) a birth parent as defined in Utah Code § 78B-6-103;
(b) legally adopting a minor child, unless the individual is the spouse of the pre-existing parent;
(c) the intended parent of a child born under a validated gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement;
(d) appointed the legal guardian of a minor child or incapacitated adult; or
(e) a foster parent of a minor child.

"Postpartum recovery leave" means leave hours the School provides to a postpartum recovery leave eligible employee to recover from childbirth that occurs at 20 weeks or greater gestation.

"Postpartum recovery leave eligible employee" means an employee:

(a) who receives regular paid personal time off (PTO) benefits from the School; and
(b) who gives birth to a child.

"Qualified employee" means:

(a) a parental leave eligible employee; or
(b) a postpartum recovery leave eligible employee.

"Retaliatory action" means to do any of the following regarding an employee:

(a) dismiss the employee;
(b) reduce the employee's compensation;
(c) fail to increase the employee's compensation by an amount to which the employee is otherwise entitled to or was promised;
(d) fail to promote the employee if the employee would have otherwise been promoted; or
(e) threaten to take an action described immediately above.

Paid Parental Leave

The School allows a parental leave eligible employee to use up to three work weeks (15 workdays) of paid parental leave for:

(a) the birth of the parental leave eligible employee's child;
(b) the adoption of a child;
(c) the appointment of legal guardianship of a child or incapacitated adult; or
(d) the placement of a foster child in the parental leave eligible employee's care.

Parental leave as described above:

(a) may not be used before the day on which:

(1) the parental leave eligible employee's child is born;
(2) the parental leave eligible employee adopts a child;
(3) the parental leave eligible employee is appointed legal guardian of a child or incapacitated adult; or
(4) a foster child is placed in the parental leave eligible employee's care;

(b) may not be used more than six months after the date described immediately above;
(c) may not be used intermittently, unless:
(1) by mutual written agreement between the School and the parental leave eligible employee; or
(2) a health care provider certifies that intermittent leave is medically necessary due to a serious health condition of the child;
(d) runs concurrently with FMLA leave, if applicable to the parental leave eligible employee; and
(e) runs consecutively to postpartum recovery leave, if applicable to the parental leave eligible employee.

A parental leave eligible employee's paid parental leave does not increase if the parental leave eligible employee:

(a) has more than one child born from the same pregnancy;
(b) adopts more than one child;
(c) has more than one foster child placed in the parental leave eligible employee's care; or
(d) is appointed legal guardian of more than one child or incapacitated adult.

A parental leave eligible employee may not use more than three work weeks (15 workdays) of paid parental leave within a single 12-month period, regardless of whether during that 12-month period the parental leave eligible employee:

(a) becomes the parent of more than one child;
(b) adopts more than one child;
(c) has more than one foster child placed in the parental leave eligible employee's care; or
(d) is appointed legal guardian of more than one child or incapacitated adult.

Paid Postpartum Recovery Leave

The School allows a postpartum recovery leave eligible employee to use up to three work weeks (15 workdays) of paid postpartum recovery for recovery from childbirth that occurs at 20 weeks or greater gestation.

Postpartum recovery leave as described above:

(a) shall be used starting on the day on which the postpartum recovery leave eligible employee gives birth, unless a health care provider certifies that an earlier start date is medically necessary;
(b) shall be used in a single continuous period, unless otherwise authorized in writing by the Chief Administrative Officer;
(c) runs concurrently with FMLA leave, if applicable to the postpartum recovery leave eligible employee; and
(d) runs consecutively to parental leave.

A postpartum recovery leave eligible employee's paid postpartum recovery leave does not increase if the postpartum recovery leave eligible employee has more than one child born from the same pregnancy.

Notice of Plan to Take Leave

Qualified employees shall give their Director or the Chief Administrative Officer notice at least 30 days before the day on which the qualified employee plans to:

(a) begin using parental leave or postpartum recovery leave; and
(b) stop using postpartum recovery leave.

If circumstances beyond the qualified employee's control prevent the qualified employee from giving notice as described above, the qualified employee shall give the School each notice described above as soon as reasonably practicable.

All such notices shall be reviewed by the employee's Director and Chief Administrative Officer. If the employee providing notice does not meet the definition of a qualified employee under this policy (and is therefore not entitled to paid parental or postpartum recovery leave), the Director or Chief Administrative Officer shall inform the employee. Employees may be required to provide documentation supporting the need for parental or postpartum recovery leave.

Other Leave

Except with respect to FMLA leave, the School may not charge parental leave or postpartum recovery leave against a qualified employee's regular paid personal time off (PTO) or any other leave a qualified employee is entitled to under the School's leave policies.

Employee Benefits During Leave

During the time a qualified employee uses parental leave or postpartum recovery leave, the qualified employee shall continue to receive all employment related benefits and payments at the same level that the qualified employee received immediately before beginning the parental leave or postpartum recovery leave, provided that the qualified employee pays any required employee contributions.

Employee Position after Leave

Following the expiration of a qualified employee's parental leave or postpartum recovery leave, the School shall ensure that the qualified employee may return to:

(a) the position that the qualified employee held before using parental leave or postpartum recovery leave; or
(b) a position within the School that is equivalent in seniority, status, benefits, and pay to the position that the qualified employee held before using parental leave or postpartum recovery leave.

Despite the foregoing, if during the time a qualified employee uses parental leave or postpartum recovery leave the School experiences a reduction in force and, as part of the reduction in force, the qualified employee's employment would have been terminated had the qualified employee not been using the parental leave or postpartum recovery leave, the School may terminate the qualified employee's employment in accordance with any applicable process or procedure as if the qualified employee were not using the parental leave or postpartum recovery leave. In addition, upon termination of a qualified employee's employment (for any reason), the employee is not entitled to be paid for any unused parental leave or postpartum recovery leave.

Retaliatory Action

The School may not interfere with or otherwise restrain a qualified employee from using parental leave or postpartum recovery leave in accordance with this policy. In addition, the School may not take retaliatory action against a qualified employee for using parental leave or postpartum recovery leave in accordance with Utah Code § 53G-11-209.

Part-Time Qualified Employees

In the event a qualified employee of the School is also a part-time employee, the employee shall be allowed to use the amount of parental leave or postpartum recovery leave available to the qualified employee under this policy on a pro rata basis.

PAID PROFESSIONAL HOURS FOR EDUCATORS

Original Adopted Date: 01/16/2025

Purpose

The purpose of this policy is to establish the parameters by which Lumen Scholar Institute (the "School") will provide paid professional hours to its educators.

Definitions

For purposes of this policy:

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

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

"Paid professional hours" means hours outside of an educator's contracted hours.

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

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

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

Policy

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

Allowable Uses of Program Funds

Program funds for paid professional hours shall be used to provide educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging

state academic standards. Accordingly, program funds may be used by the School to provide paid professional hours to its educators for the:

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

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

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

Educator Responsibilities

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

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

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

Timing and Method of Payment of Paid Professional Hours

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

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

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

PARENTS ELECTED MEMBERS

Original Adopted Date: 02/07/2015

1. Board of Trustees seats numbers six (6) and seven (7) will be appointed to the Board of Trustees after individuals have been elected by the parent(s) or legal guardians of currently enrolled students.

2. If there is no opponent to run against, thus negating the need for an election, the board may skip the election process and go straight to appointment of either seat.

3. Elections shall be held in April of every even year.

4. The Executive Committee shall oversee the election process.

5. Parent elected members shall serve for a two (2) year term.

6. The Board of Trustees shall fill an early vacancy by appointment or special election.

7. The appointment shall be for the remainder of the term. The board may also approve, by a majority vote, to wait and fill the vacancy with the next scheduled election, as long as the board has at least (5) board members.

8. The term of the filled vacancy expires upon the election and qualification of an elected successor.

9. A candidate for seat six (6) or seven (7) must meet the following qualifications:

a. Be a custodial parent or legal guardian of a registered student of the School;

b. Officially declare to the Board of Trustees his/her intent to run one week before the election;

c. Read, understand, and accept the Roles and Responsibilities of a board member packet; and

d. Read, agree with, and support the School's charter.

10. Voting for seats six (6) and seven (7) shall include the following:

a. Each school family shall have one vote regardless of the number of its children attending the School;

b. Voting shall be conducted electronically;

c. Votes shall be tallied by the Executive Committee and announced at the next scheduled board meeting; and

d. In the event of a tie vote, the result shall be obtained by flipping a coin with the person whose name is earliest in the alphabet calling a coin side.

PARENTS POLICY

Original Adopted Date: 08/11/2015| **Last Revised Date**: 11/17/2022 | **Last Reviewed Date**: 11/17/2022

Policy

1. The School's education model was deliberately designed to include substantial parental involvement in the education process. A student's Personal Assessed Learning Map (PALM) is developed in collaboration between students, parents, and teachers. Furthermore, each PALM is carried out jointly between the parents and teachers when appropriate.

2. Opportunities for parents to serve the School Institute may include but are not limited to the following:
    a. Serving on the Board of Trustees;
    b. Leadership or service on standing or special committees;
    c. Serving on the Discipline Review Council (DRC);
    d. Serving on the Charter Trust LAND Council; and
    e. Serving as an advisor or assistant for various co-curricular or extracurricular activities such as educational outings, fundraisers, and community activities.

3. Notification:
    a. The School is committed to communicating volunteer opportunities to families by utilizing technology such as email, text, and pre-recorded phone calls. The School also uses its website to communicate information to parents.

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

PARENT SATISFACTION

Original Adopted Date: 07/17/2018

Purpose

When staff, teachers, and administration are held accountable for the success of the School, students' needs are met at a higher level, improving academic outcomes.

Policy

1. On annual school surveys, at least 80% of participating parents will rate the school as satisfactory or higher. Results will be reviewed by the Board of Trustees.

2. The School will have at least a 90% student retention rate as measured through monthly enrollment reports.

3. The School's retention rate of teachers with performance ratings of 'exceeds expectations' will be reported to the board.

PAYROLL

Original Adopted Date: 08/11/2015

Policy

1. Payroll Related Expenditures:

a. The Board, with authority delegated to the Director, shall ensure that payroll-related expenditures are earned, accurate, and approved (authorized) before payment is made. Additionally, the following applies to payroll-related expenditures:

i. Employees are paid on a 12-month schedule, as wages are earned, and in accordance with pay periods and pay dates as authorized by the Board;

ii. The school shall communicate pay rate information clearly and effectively to individual employees whenever a pay change occurs;

iii. Pay advances are not authorized. All payments to employees are to be made only after wages are earned;

iv. Employee's time is properly approved when submitted by an employee to a supervisor, authorized for payment, and reported to the business office for processing;

v. All employee payroll amounts are calculated based upon approved rates included in the individual's personnel file. Any changes to pay rates or benefits must be properly authorized in writing by appropriate individuals or the Board where applicable;

vi. Employees whose compensation is paid in any portion from one or more restricted sources of revenue shall document their time and effort on a Personnel Activity Report consistent with 2

C. F.R. § 200.430 and applicable state law and rule;

vii. The school Director or immediate supervisor (Supervisor) will accurately record and track all employees accrued paid time off (PTO). PTO includes a variety of paid time off, including but not limited to Sick, Personal, Vacation time, etc.;

viii. The Supervisor shall consider available PTO balance(s) and the needs of the school prior to approving PTO;

ix. The business office will add or deduct PTO for all employees as authorized by policy or the Supervisor when processing each payroll and will provide balance information to the Supervisor periodically;

x. Overtime wages, while not formally against policy, are not authorized under normal circumstances and are only to be used in rare instances of emergency;

xi. Pay rates or employee benefit package changes may not be authorized exclusively by persons for whom the pay rate or benefits will affect;

xii. All payroll taxes and benefits are properly calculated, and any deposits made in a timely manner. All payroll tax reports are prepared in a timely manner and reviewed for accuracy prior to filing; and

xiii. Employees paid with restricted program funds are required to complete required documentation, with a supervisor's certification according to the administrative rules of applicable programs.

xiv. Subject to the documentation requirements in items d and f above, the compensation of an employee in a position or assignment typically paid with federal or state grant funds may continue to be paid with the same federal or state grant funds during a period the employee is unable to work because the school is closed or under dismissal during unexpected or extraordinary circumstances; and

xv. Notwithstanding the above, the employee may not be paid with federal grant funds for work on any modified assignment that is not otherwise allocable to the grant fund.

2. Employee Retirement Program:

a. The school shall participate in a retirement program as determined by the Board of Trustees and administered by the Trustee and the business office.

3. Employee Travel within the State:

a. Employees who travel within the state typically travel using their own personal motor vehicle or a school-rented vehicle. Employees may be reimbursed at the current (at time of travel) federal standard mileage rate (per mile), as authorized by the Board, for use of their own vehicle for pre-approved business-related travel. In addition, parking fees and tolls paid are reimbursable if properly supported. Employees who rent vehicles for school use (and reimbursement) must purchase adequate insurance to cover the vehicle in case of theft or damage. Employees must refill the rental vehicle with fuel prior to return. The school shall not reimburse for moving violations or parking tickets.

4. Employee Travel Out of State:

a. Employees who travel out of state travel must do so with itineraries booked through school administration, except as otherwise approved. Under certain circumstances, employees may be required to use a personal credit card for hotel and/or vehicle rental. Employees may not use public funds to pay for (or submit for reimbursement) personal expenses while traveling for the school.

5. Employee Meals While Traveling:

a. Employees who travel (within or without the state) may receive reimbursement for meals they purchase and document during approved travel that is more than 100 miles from the school's Central Services Facility; and

b. Travelers will be reimbursed for actual expenses, including tax and gratuity, for the reasonable cost of meals.

6. Employee Reimbursement:

a. Employees who use personal funds to purchase supplies or otherwise incur expenses on the school's behalf, may receive reimbursement for the amount of documented expenses consistent with policies for all other school expenditures and cash disbursements.

PERFORMANCE BONUS

Original Adopted Date: 06/14/2016

Purpose

The Board of Trustees recognizes that excellence in school personnel has tremendous value, and that providing financial incentives in areas of primary importance will lead to improved performance in those areas. The board therefore adopts the following policy regarding performance bonus pay for employees.

Policy

1. Elements of the Performance Bonus

a. Eligibility: Bonus amounts will be outlined in each qualified employee's salary wage agreement.

b. Criteria: Each year the employee will develop 3-5 SMART/Charter focused goals with their supervisor. A percentage of the total eligible bonus amount will be assigned to each goal. During the employee's final review, the SMART/Charter Goals will be evaluated. The total bonus amount will be determined following the final review meeting by the supervisor.

c. Distribution: Employee's performance bonus will be paid out in the employee's paycheck.

PHYSICAL EDUCATION

Original Adopted Date: 06/12/2018

Purpose

The purpose of the Physical Education policy is to align the School's requirements with those of the Utah State Board of Education.

Policy

1. In accordance with Utah State Code R277-700-5(7) (adopted April 1, 2018), the School, under the direction of the Administration, shall have a written procedure to allow parents, or students with parental consent, to substitute an extracurricular activity or other experience for the core required class of Physical Education in 7th and 8th grade.

2. Additionally, the procedure shall provide a means of appeal if the requested substitution is denied.

PROCUREMENT

Original Adopted Date: 08/11/2015

Policy

1. Procurement of Goods and Services:

a. The school shall follow outlined procurement (purchasing) procedures of the school and provisions of the state procurement code (UCA 63G-6a) and procure only those items and services that are required to perform the mission and/or fill a bona fide need. Procurements are made using best value contracting which includes assessing the best value considering quality, performance, timing, and price. Additionally: i. Administration shall not intentionally divide a procurement purchase into one or more smaller purchases to divide an invoice or purchase order into two or more invoices or purchase orders, or to make smaller purchases over a period of time in order to circumvent any aspect of this policy or of state law; ii. Exclusive contracts (requiring the purchase of needed goods or services from a single, specified seller) are not authorized except as outlined in the state procurement code (UCA 63G-6a); iii. Multi-year contracts shall comply with UCA 63G-6a-1204; iv. Construction and improvements shall comply with the law and administrative rules of the State of Utah and its departments or agencies and differing rules, forms or reports, not in accordance with state law and administrative rules, may not be produced by school staff or outside service providers without Board authorization; v. Written records will be kept for all purchases, including competitive bids when applicable by law. Competitive bids will be filed in the winning bidder's vendor file; vi. All lease agreements will be evidenced by a lease or sublease agreement approved by the Board and signed by the Board Chair (or designee). The agreement will identify all the terms and conditions of the lease; vii. Administration or any agent of the school may not accept hospitality gifts, gratuities, kickbacks, or any other unlawful consideration under 63G-6a-2304.5; and viii. Satisfactory receipt of goods and services will be confirmed, as invoices are approved by buyers, before payment is made to a vendor. 2. Emergency Purchases: a. An "emergency purchase" is the purchase of goods or services that are so badly needed that the school will suffer financial or operational damage if they are not secured immediately. A decision to purchase may be declared in an emergency at the school's discretion and "best value" procurement guidelines must be followed. In addition, the purchase must be authorized by the Director, business manager, the Board Chair or Treasurer when available. Sound business practices shall be used and documented in all cases. 3. Sales Tax: a. Charter School is exempt from sales tax as both as governmental entity and as a charitable organization: i. School Board and administration shall maintain the school's IRS (501c3) and public school tax exempt status by complying with government regulations at all times; ii. The school administration shall follow vendor policies regarding sales tax exemption; iii. As authorized, school employees or volunteers may use the school's non-profit tax

exemption registration number (and Tax Commission form) only for legitimate school purchases. Authorization may be revoked when necessary; and iv. Employees or volunteers may not be reimbursed for sales tax. If sales tax is paid by school employees or volunteers at the point of sale, the school may seek reimbursement of sales tax consistent with applicable rules at its discretion. Board Policy Manual Lumen Scholar Institute

PROPER USE OF PUBLIC FUNDS AND ASSETS

Original Adopted Date: 02/16/2023

Purpose

The purpose of this policy is to establish that Lumen Scholar Institute (the "School") will not misuse its public funds or assets to try to persuade students to enroll in the School or participate in any of the School's programs.

Policy

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

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

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

PUBLIC EDUCATION MATERIALS DEVELOPMENT

Original Adopted Date: April 20, 2023

Purpose

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

Policy

Definitions

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

(a) syllabi;

(b) instructional materials;

(c) modules;

(d) textbooks, including teacher's editions;

(e) student guides;

(f) supplemental materials;

(g) formative and summative assessment supports;

(h) laboratory activities;

(i) simulations;

(j) musical or dramatic compositions;

(k) audio, video, or photographic material;

(l) manuals;

(m) codes; and

(n) software.

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

Public Education Materials Developed with School Funds or on Contract Time

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

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

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

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

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

Public Education Materials Developed Without School Funds

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

RECIPROCITY OF CREDITS

Original Adopted Date: 08/15/2015

Purpose

The purpose of this policy is to authorize the Director to accept credit from any accredited public and private school or provider, both in and out of Utah, and to provide a means for students to earn credit from a non-accredited source, coursework, or education provider.

Policy

1. Lumen Scholar Institute (the School) shall accept credits from any accredited public or private school or supplemental education provider both in and out of Utah, consistent with Rule R277-705:

a. The Director shall establish a procedure explaining the process and standards for acceptance and reciprocity of credits earned by a student in accordance with state law; and

b. The procedure shall provide specific and adequate notice to students and parents of all policy requirements, limitations, and timelines.

2. The Director is authorized by the Board of Trustees to award credit for non-accredited sources, coursework, or supplemental education providers, both in and out of Utah, consistent with Rule R277-705. The Director shall establish a procedure to award credit upon satisfactory demonstration of one of the following:

a. Satisfaction of coursework by demonstrated competency, as evaluated by the School;

b. Review of student work or projects by a School administrator; or

c. Satisfaction of electronic or correspondence coursework, as approved by administration.

3. The School Director has the final decision-making authority for the awarding of credit and grades from non-accredited sources consistent with state law, due process, and Rule R277-705.

4. The School Director may require documentation of compliance with Section 53A-11-102 in compliance with Rule R277-705, prior to reviewing a student's home school or competency work, assessment or materials.

RECORDS MANAGEMENT

Original Adopted Date: 04/11/2017

Purpose

Policy

The Board of Directors is committed to see that school records are managed in an efficient and responsible manner. Therefore, the Board delegates to the Administration the responsibility for maintaining, classifying, preserving, accessing, and destroying school records in compliance with the Government Records Access and Management Act (GRAMA), Utah Code §63-2-701. Employees will be trained regarding FERPA requirements in order to protect student data. Volunteers, including board members, will not have access to records classified private, including student records. Employees will also be trained to properly identify and use apps and online programs which gather student data.

1. Records Management:

a. The Business Manager shall be the records officer for all general school records including, Human Resource Records, and any documents related to fiscal matters such as property, budgets, payroll, accounts, contracts, etc;

b. The Director shall be the records officer for all records related to students; and

c. The board secretary shall be the records officer for all board documents, including policies, minutes, and recordings of board meetings.

2. Records Classification:

All school records shall be classified as public, private, controlled, protected, or exempt as defined in statute.

a. Public Records shall include:

i. Official minutes, actions and decisions of the Board of Directors and Lumen Administration, unless these records involve information that is classified as private, controlled, or protected;

ii. Official School and school policies, contracts, minutes, and accounts;

iii. Names, gender, job titles, job descriptions, business addresses, business telephone numbers, gross salaries, working hours, and dates of employment of all current and former employees;

iv. Documents showing formal criminal charges against an employee, unless, in the judgment of the principal, the charges are groundless or the charges are not sustained; and

v. Public records shall be open for public inspection during regular office hours as defined in section H Access to School Records.

b. Private Records shall include:

i. Personnel files including applications, nominations, recommendations, evaluations, and proposals for advancements or appointments;

ii. Documents related to eligibility for unemployment benefits, social services, welfare benefits, personal finances, individual medical condition, and military status;

iii. Individual student records; and

iv. Private records shall be open only to the subject of the record and other authorized individuals or agencies. Access to student records shall be provided in accordance with the Family Educational Rights and Protection Act (FERPA).

c. Controlled Records shall include:

i. Records containing medical, psychiatric, or physiological data on an individual which, if disclosed, could be detrimental to the individual's mental health or safety; and

ii. Controlled records shall be open only to authorized persons or agencies, but will not be open to the subject of the record.

d. Protected Records shall include:

i. Any information that, if disclosed, would jeopardize the life or safety of an individual or security of school property or programs;

ii. Documents that, if disclosed, would place the school at a disadvantage in contract negotiations, property transactions, or bargaining position, or could enable circumvention of an audit;

iii. Records related to potential litigation or personnel hearings;

1. Records generated in meetings which are closed in accordance with the Utah Open and Public Meetings law.

iv. Test questions; and

v. Protected records shall be open only to authorized individuals and agencies or in response to court order.

e. Exempt records shall include:

i. Student records that are protected by the Family Educational Rights and Protection Act (FERPA).

3. Access to School Records:

a. All Requests must be submit in writing by using the Lumen GRAMA Request form. Requests to view school records should be addressed to the appropriate records officer during regular business hours;

b. Individuals requesting to view records classified as private, controlled, or protected shall be required to prove their right to access the record through personal identification, written release from the subject of the record, power of attorney, court order, or other appropriate means. Parents of students 18 years of age must be authorized by their student in order to access records, as required by FERPA; and

c. The Director shall determine whether access to the requested record(s) is to be granted or denied.

i. If the request is approved, the records shall be provided as soon as possible and not more than ten

(10) working days from the date the request was received; and

ii. If the request is denied, the records officer must specify the reason, and the requester shall be informed of the right to appeal.

4. Appeals Process:

a. Appeals to the Board of Directors:

i. The requester shall file a written request for a hearing with the Board Secretary at least ten days before the requested hearing date;

ii. Upon receiving the request, the Board Secretary shall schedule a mutually convenient date, time, and location for the hearing and notify all parties and post the meeting as required under open meetings law; and

iii. The requester has the right to be represented by legal counsel at the hearing.

b. If the requester is to be represented by legal counsel, the administration must be notified at least 10 working days in advance of the hearing;

c. If the requester has legal counsel present at the hearing, the administration may also be represented by legal counsel;

d. Within ten (10) working days of the hearing, the Board Secretary shall notify the requester in writing of the Board's decision; and

e. If the Board upholds the action of the School Administration, the requester has the right to take any legal action open to the requester.

5. Copying School Records:

a. Lumen may charge a fee for duplicating school records that is equal to the actual duplication cost plus any employee time involved;

b. Lumen shall refuse to allow duplication of copyrighted materials (except in accordance with educational copyright laws and with respect to educational materials); and

c. Lumen shall charge 10 cents per page for duplicating records, plus the cost of labor involved at the rate of $12 per hour.

6. Retention of School Records:

a. Lumen shall adhere to the general schedule for records retention approved by the State Records Committee;

b. Records that are not covered by the general schedule shall be submitted to the State Records Committee for scheduling; and

c. Only those confidential records required for retention at the school as per state guidelines shall be retained. The school will not retain other confidential records.

RELIGION AND EDUCATION

Original Adopted Date: 08/11/2015 | **Last Revised Date:** 03/21/2024 | **Last Reviewed Date:** 03/21/2024

Purpose

It is the policy of Lumen Scholar Institute (the "School") to recognize, protect, and accommodate the rights of religious practice and expression guaranteed by state and federal laws and by the constitutions of Utah and the United States. The purpose of this policy is to help School personnel protect and accommodate individual religious belief and rights of conscience in the School.

Policy

1. The School's Board of Trustees expects School personnel to foster mutual understanding and respect for all individuals and beliefs. Study about religion is an important part of a complete education and is necessary to achieving an understanding of history, societies, and cultures throughout the world. School curricula – including activities, discussions, assignments, displays, and performances – may refer to religious thought and expression, provided such references are designed to achieve specific educational objectives.
2. School personnel should neither promote nor disparage any religious, agnostic or atheistic belief or religion in general. Teaching about religion should be objective, thus avoiding any implication that religious doctrines have the endorsement of school authority. School personnel should recognize that religious holidays are observed in various ways, or not observed at all, based upon the influence of ethnic tradition, family style, or religious conviction.
3. Students may refrain from participation in any aspect of school that violates a religious belief or right of conscience of the student or of the student's parent or guardian.
4. The School shall not, in any aspect of the school:
    a. require or incentivize a student to affirm or deny the student's or the student's parent or guardian's religious belief or right of conscience;
    b. engage a student in a practice that violates or is contrary to the student's or the student's parent or guardian's religious belief or right of conscience; or
    c. penalize or discriminate against a student for refraining from participation due to the student's or the student's parent or guardian's religious belief or right of conscience.
5. A student's parent or guardian may waive the student's participation in any aspect of school (e.g., activities, discussions, and assignments) that the parent or guardian feels would violate the parent or guardian's or student's rights of conscience or religious belief. Such waivers must be communicated in a timely manner to the appropriate School authorities.

Regulation

The School's administration shall establish administrative regulations to implement this policy.

REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT

Original Adopted Date: 09/26/2019 | **Revised Date**: 09/18/2025 | **Last Reviewed Date:** 09/18/2025

Policy

1. The Board of Trustees is committed to the safety of its students and will follow state mandates regarding reporting and handling of child abuse and neglect as outlined in Utah Code § 80-2-602, Utah Code § 53E-6-701, and Administrative Code Rule R277-401.

2. Utah law requires the reporting by any school employee or volunteer who has reason to believe a child has been abused or neglected. Such reports shall be made to the Division of Child and Family Services or to the nearest peace officer or law enforcement agency.

3. Utah law further requires that whenever any school employee or volunteer has reasonable cause to believe that a student may have been physically or sexually abused by a school employee or volunteer, that person shall immediately report that belief and all other relevant information to school administration or the Utah State Board of Education. If a school administrator receives such a report, or if a school administrator otherwise has his/her own reasonable cause to believe that a student may have been physically or sexually abused by a school employee or volunteer, the school administrator shall immediately report that information to the Utah State Board of Education.

4. To implement this law, the Board authorizes school administration to develop administrative regulations for school employees and volunteers to comply with and carry out the requirements of the law.

REUSE AND DISPOSAL OF TEXTBOOKS

Original Adopted Date: 02/16/2023

Purpose

The purpose of this policy is to help ensure Lumen Scholar Institute (the "School") disposes of its textbooks properly and in accordance with Utah Code § 53G-7-606 and Utah Administrative Code Rule R277-433.

Definitions

For purposes of this policy, "textbook" has the same meaning as described in Utah Code § 53G-7-601 and R277-433.

Policy

The School shall select and purchase textbooks in accordance with School policy and applicable law. The Chief Administrative Officer or his/her designee is responsible for determining how long the School will use or reuse its textbooks and when and how the School will dispose of its textbooks.

The School shall not dispose of textbooks without first notifying all other LEAs in the state of the School's intent to dispose of the textbooks. However, this requirement does not apply to textbooks that have been damaged, mutilated, or worn out.

The Chief Administrative Officer shall establish administrative regulations regarding the various ways in which the School may dispose of textbooks and how the School may provide the required notification to all other LEAs in the state before disposing of textbooks.

SAFE SCHOOLS

Original Adopted Date: 10/13/2015 | **Last Reviewed Date:** 06/20/2024

Policy 115: Student Conduct and Discipline

Original Adopted Date: 10/13/2015 | Last Revised Date: 06/20/2024 | Last Reviewed Date: 06/20/2024

Purpose

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

Definitions

1. Suspension means a temporary removal of a student from School-related and School-sponsored activities for a period of up to one (1) year. A student who is suspended may, at the administration's discretion, have access to homework, tests, and other schoolwork but will not be allowed to attend or participate in any classes or other School activities during the period of suspension.

2. Expulsion means the formal process of dismissing a student from School. Recognizing that students who commit violent or disruptive acts may pose safety problems, the School will work with parents to provide alternative educational placement and programs for the student where appropriate and feasible. However, the administration retains the authority to exclude the student from all programs or activities for the period of expulsion.

3. Gang means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.

4. Change of Placement (for Students with Disabilities under IDEA and Section 504) means the removal of a student with a disability from the student's current educational placement. A "change of placement" occurs if the removal is for more than ten (10) consecutive school days or the student is subjected to a series of removals that constitute a pattern because they total more than ten (10) school days in a school year or because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "change of placement" requires compliance with the procedures outlined in Section I of this policy.

5. Disruptive Student Behavior means the behavior identified as grounds for suspension or expulsion described in Section C, below.

6. Parent means a custodial parent of a school-age child, a legally appointed guardian of a school-age child, or any other person purporting to exercise any authority over the child which could be exercised by a person described above.

7. Qualifying Minor means a school-age child who is at least nine years old, or turns nine years old at any time during the school year.

8. School Year means the period of time designated as the school year by the Board in the calendar adopted each year.

9. School-age child means a minor who (i) is at least six years old but younger than 18 years old; and (ii) is not emancipated.

Policy

A. Beliefs, Expectations, and Philosophy

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

a. Student responsibility for learning and behavior;

b. Student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the School community; and

c. Parents and guardians of all students to assume proper responsibility for their students' behavior and to cooperate with School authorities in encouraging student self-discipline and discouraging behavior that is disruptive to the School's educational program.

2. The School's beliefs and expectations set a positive and inviting culture for dealing with student behavior issues:

a. Beliefs:

i. Punishment alone will not change behavior;

ii. Much aggressive behavior is a relationship problem, not a behavior problem;

iii. Adults must model the behaviors they expect from the students; and

iv. We expect conflicts, but we expect conflicts to be resolved and relationships mended.

b. Expectations:

i. Students will show respect for other students;

ii. Students will show respect for adults;

iii. Adults will show respect for students; and

iv. Students will develop self-discipline.

3. The School recognizes that establishing a procedural philosophy consistent with the desired positive school environment is as important as following legal and due process procedures. The School's policy sets

forth appropriate legal and due process procedures and will be followed within the context of the procedural philosophy outlined below:

a. When students are involved in conflicts with other students, they will:

i. Work together to resolve the conflict;

ii. Work to repair the relationship and build trust; and

iii. Be subject to additional consequences if they exhibit unsafe behaviors during the conflict.

b. When students are involved in a conflict with or feel they have been treated unfairly by a member of the staff or a volunteer, they will:

i. Report their feelings to their parent or to the administrator or counselor, who will work together to set up a conference with the student, the parent, an administrator or counselor, and the adult involved in order to resolve the conflict and mend the relationship.

c. When students flagrantly disregard the safety of others, show blatant disrespect to others, or consistently behave in a disrespectful or unsafe way:

i. The student will be subjected to consequences and positive behavior support to ensure that the student will make better choices in the future. Consequences might include:

1. Suspension;

2. Expulsion;

3. Restitution; and

4. Repayment for damages.

d. The student will work to earn back the trust of the school community by actions such as:

i. Genuine apology to injured or affected parties;

ii. Demonstration of appropriate behaviors following the incident; and

iii. Repair or replace any damaged items.

e. Due process to protect the rights of students will include:

i. All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the process. If parents feel their student has not been treated fairly, they may follow the School's Stakeholder Grievance Policy, including, where appropriate, requesting a hearing with the Board of Trustees (the "Board") in accordance with the School's Stakeholder Grievance Policy;

ii. Parents will be notified when students are involved in situations that are deemed to be serious; and

iii. Parents and students will be notified of the expectations, possible consequences, and the procedures involved in this policy at the beginning of each school year.

B. Environment

1. Safe School Environment: It is the School's policy to promote a safe and orderly school environment for all students and employees. Accordingly, the School holds all students, employees, and other adults to the highest standards of behavior in connection with the use of the School's electronic resources and while participating in School-related or School-sponsored activities. Criminal acts or disruptive behavior of any kind will not be tolerated, and any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both; and

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

C. Grounds for Suspension, Expulsion, or Change of Placement

1. A student may be suspended from School for the following reasons:

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

b. Willful destruction or defacing of School property;

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

d. Possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah Code Ann. § 32B-1-102;

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

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

g. Inappropriate use or possession of electronic devices in class, during a School-sponsored activity, at home, or in any other way that substantially disrupts the educational environment;

h. Any criminal activity;

a. Any serious violation involving weapons, drugs, or the use of force that threatens harm or causes harm to the School or School property, to a person associated with the School, or property associated with any such person, regardless of where it occurs; or

j. Bullying or hazing as defined in Utah Code Ann. § 53G-9-601 and/or the School's Bullying, Cyberbullying, Harassment, Hazing, Retaliation, and Abusive Conduct Prohibition and Prevention Policy.

2. A student shall be suspended or expelled from School for the following reasons:

a. A serious violation affecting another student or a staff member, or a serious violation occurring in connection with the School's electronic resources or any School-related or School-sponsored activity, including:

i. The possession, control, or actual or threatened use of a weapon, explosive, or noxious or flammable material;

ii. the actual use of violence or sexual misconduct, including but not limited to such violence or sexual misconduct related to hazing;

iii. The actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities;

iv. The sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled substance defined in Utah Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3;

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

c. Making a false report of an emergency at the School or another school under Utah Code Ann. §

76- 9-202(2)(d).

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

4. Weapons – Mandatory Expulsion for One Year – Utah Code Ann. § 53G-8-205(2)(b); 20 U.S.C. § 7151:

a. Any student who commits an act for which mandatory suspension or expulsion is provided under Section C-2 above, involving a weapon, explosive, or noxious or flammable material shall be expelled from School and all School programs and activities for a period of not less than one (1) year, subject to the following:

i. Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (CMT), which shall be comprised of the Director and/or Chief Administrative Officer, a Board member, and a teacher selected by them, accompanied by a parent or legal guardian; and

b. The CMT shall determine:

i. What conditions must be met by the student and the student's parent for the student to return to School;

ii. If the student should be placed on probation in a regular school setting consistent with Utah Code Ann. § 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the School; and

iii. If it would be in the best interest of both the School and the student to modify the expulsion term to less than a year, conditioned on approval by the Board and giving highest priority to providing a safe school environment for all students.

c. For purposes of this policy, the term "firearm", "explosive", and "noxious or flammable material" include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

d. Students with disabilities under IDEA and Section 504:

i. Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act is determined to have carried a weapon to School or a School-sponsored activity, the procedures outlined in Section I of this policy must be followed.

5. Drugs and Controlled Substances – Mandatory Suspension or Expulsion – Utah Code Ann. § 53G-8-205(2)(a):

a. A student shall be suspended or expelled from the School for any of the following reasons:

i. Use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in conjunction with any School-related or School-sponsored activity;

ii. Misuse or abuse, distribution, sale or arranging for the sale of prescription medication at School or a School-sponsored activity; or

iii. Misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at School only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

b. Students with Disabilities under Section 504:

i. Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances in conjunction with any School-related or School-sponsored activity.

c. Drug testing:

i. Any student who is reasonably suspected of violating Section C-5 may be subject to a drug test for cause, arranged and paid for by the School;

ii. Any student who has been suspended or expelled for a violation of Section C-5 may be required to provide a clean drug test and evidence of completion of drug assessment and/or drug counseling programs as a condition of readmission to School. Testing and counseling required as a condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian;

iii. Students who refuse to submit to required drug testing and counseling programs or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School; and

iv. Any student who is suspended or expelled for violation of Section C-5 may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

d. Students with Disabilities under IDEA:

i. Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity, the procedures outlined in Section I of this policy must be followed.

6. Gangs:

a. Gang activity and apparel prohibited:

i. Students who engage in any form of gang activity at any School-sponsored activity may be suspended or expelled under the terms of this policy. For the purposes of this policy, "gang activities" include, but are not limited to, any of the following:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;

2. Committing any act or omission or using any speech, either verbal or nonverbal,

(flashing signs, gestures, handshakes, etc.) that demonstrates membership in or affiliation with a gang;

3. Soliciting others for membership in a gang;

4. Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person;

5. Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;

6. Committing any illegal act; and

7. Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

b. Confiscation of Gang Items:

i. Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by School officials at any time.

c. Consultation with Law Enforcement Authorities:

i. School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

7. Possession or Use of Electronic Cigarette Products:

a. Students are prohibited from possessing or using electronic cigarette products, as defined by Utah Code Ann. § 76-10-101, on School property or during School-sponsored events or activities.

b. The administration or their designee shall request the surrender of or confiscate electronic cigarette products as provided in Section O of this policy.

c. The administration will ensure that any surrendered or confiscated electronic cigarette product is destroyed or disposed of. However, the administration may allow the release of any surrendered or confiscated electronic cigarette product to local law enforcement if School personnel have a reasonable suspicion that the electronic cigarette product contains an illegal substance and local law enforcement requests that the School release it to them as part of an investigation or action.

D. Authority to Suspend or Expel

1. Authority to Suspend for Ten (10) Days or Fewer for Regular Education Students:

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

b. The Director may not suspend for longer than ten (10) school days or otherwise change student placement. Whenever the Director proposes suspending a student for more than ten (10) school days, the Director shall refer the matter to the Chief Administrative Officer. The Chief Administrative Officer may choose to refer the matter to the Board or to a Board member designated by the Board to address such issues.

2. Authority to Suspend and Duration of Suspension for Students with Disabilities:

a. The Director has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days, and additional removals of not more than ten (10) total school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement; and

b. The School need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly suspended.

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

a. Either the Chief Administrative Officer, the Board, or a Board member designated by the Board may suspend for longer than ten (10) days or expel a regular education student. Expulsions shall be reviewed by the CMT and the conclusions reported to the Board at least once each year if the parent/guardian of the expelled student has expressed a desire for the student to return to the School;

b. Parental Responsibility:

i. If a student is suspended for a period longer than ten (10) days or expelled, the student's parent or legal guardian is responsible for undertaking an alternative education plan that will ensure that the student's education continues during the period of expulsion. The parent or guardian shall work with designated School officials to determine how the student's education will continue through private education paid for by the parents, an alternative program offered by the local school district, or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services which are not provided by the School are the responsibility of the student's parent or guardian;

ii. The parent or guardian and designated School officials may enlist the cooperation of the Division of Child and Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student; and

iii. The School shall contact the parent or guardian of each student under age 16 who has been expelled from all School programs and services at least once a month to determine the student's progress if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.

4. Authority to Institute Change of Placement for Student with Disabilities:

a. Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

E. Procedures for Addressing Disruptive Student Behavior – Utah Code Ann. § 53G-8-210

1. Efforts to Resolve Disruptive Student Behavior Problems:

a. Information About Resources: The School will provide to a parent of a student who engages in disruptive student behavior a list of resources available to assist the parent in resolving the student's disruptive behavior problem; and

b. Procedures for Resolving Problems: The Director or a teacher or counselor designated by the Director will work with students who engage in disruptive student behavior according to the procedures identified in Section F in an attempt to help the student's behavior to improve and to prevent problems from escalating.

2. Notice of Disruptive Student Behavior:

a. Authorization: The Chief Administrative Officer or Director is authorized to issue notices of disruptive student behavior to students who are qualifying minors;

b. Criteria for Issuing Notice: The Chief Administrative Officer or Director may issue a "notice of disruptive student behavior" to a qualifying minor who:

i. Engages in "disruptive student behavior" that does not result in suspension or expulsion three (3) times during the school year; or

ii. Engages in disruptive student behavior that results in suspension or expulsion once during the school year.

c. Contents of Notice: The notice of disruptive student behavior will:

i. Require the qualifying minor and a parent of the qualifying minor to whom the notice is issued to meet with School authorities to discuss the qualifying minor's disruptive student behavior and cooperate with the Chief Administrative Officer or the Director and the Board in correcting the student's disruptive student behavior;

ii. Contain a statement indicating:

1. The number of additional times that, if the qualifying minor engages in disruptive student behavior that does not result in suspension or expulsion, will result in the qualifying minor receiving a habitual disruptive student behavior citation;

2. That the qualifying minor will receive a habitual disruptive student behavior citation if the qualifying minor engages in disruptive student behavior that results in suspension or expulsion; and

iii. Be mailed by certified mail to, or served in person on, a parent of the qualifying minor.

d. Contesting Notice: A qualifying minor, or a qualifying minor's parent, may contest a notice of disruptive student behavior by requesting in writing, within ten (10) business days after receipt of the notice, a meeting with the CMT at which the parent and the CMT will discuss the facts related to the student's behavior, the basis of the parent's concerns with or objections to the issuance of the notice, and efforts that have been made to address the behavior problems.

3. Habitual Disruptive Student Behavior Citation:

a. Criteria for Issuing Notice: The Chief Administrative Officer or Director may issue a "habitual disruptive student behavior citation" to a qualifying minor who:

i. Engages in disruptive student behavior that does not result in suspension or expulsion at least six (6) times during the school year;

ii. Engages in disruptive student behavior that does not result in suspension or expulsion at least three (3) times during the school year;

iii. Engages in disruptive student behavior that results in suspension or expulsion at least once during the school year; or

iv. Engages in disruptive student behavior that results in suspension or expulsion at least twice

c. Notice to Parents: Within five (5) days after the day on which a habitual disruptive student behavior citation is issued, the Chief Administrative Officer or Director shall provide documentation to a parent of the qualifying minor who receives the notice of the efforts made by a School representative under Section F, below.

4. Response to School-Based Behavior:

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

b. Referrals of Minors: A qualifying minor to whom a habitual disruptive student behavior notice is issued may not be referred to the juvenile court. The School will follow § 53G-8-211 with respect to referring a minor who is alleged to be a habitual truant or is alleged to have committed an offense on School property when School is in session or during a School-sponsored activity. In accordance with § 53G-8-211:

i. If the alleged offense on School property is a class C misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual truant, the minor shall be referred:

1. to an evidence-based alternative intervention, including:

a. a mobile crisis outreach team;

b. a youth services center, as defined in § 80-5-102;

c. a certified youth court, as defined in § 80-6-901, or comparable restorative justice program;

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

e. a tobacco cessation or education program if the offense is a violation of § 76-

10- 105; or

f. truancy mediation; or

2. for prevention and early intervention youth services, as described in § 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an evidence-based alternative intervention described above.

ii. Except as provided in subsection (iii) below, if a minor is alleged to have committed an offense on School property that is a class C misdemeanor, an infraction, or a status offense, the minor may be referred directly to a law enforcement officer or agency or a court only if:

1. the minor allegedly committed an offense on School property on a previous occasion; and

2. the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in subsection (i) above for the previous offense.

iii. If a minor is alleged to have committed a traffic offense that is an infraction, the minor may be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.

iv. If a minor is alleged to have committed an offense on School property that is a class B misdemeanor or a class A misdemeanor, the minor may be referred directly to a court or to the evidence-based alternative interventions in subsection (i) above.

v. If a minor is alleged to be a habitual truant, the minor may be referred to a law enforcement officer or agency or a court if:

1. the minor was previously alleged of being a habitual truant at least twice during the same school year; and

2. the minor was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, as described in subsection (i) above for at least two of the previous habitual truancies.

vi. If a minor commits an offense on School grounds when School is in session or at a School-sponsored activity and that information is reported to, or known by, a School employee, the School employee shall notify the Director. After receiving such a notification, the Director shall notify a law enforcement officer or agency if the Director may refer the offense to a law enforcement officer or agency as explained above in this section. The Director shall also notify other School personnel if the Director determines that other School personnel should be informed.

c. Referral of Students for Firearm Offense. If a student brings a firearm or weapon to School, the student shall be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court.

F. Alternatives to Expulsion or Change of Placement for Frequent or Flagrant Disruptive Behavior – Utah Code Ann. § 53G-8-207

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

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

a. Talking with the student,

b. Class schedule adjustment,

c. Phone contact with the parent or legal guardian,

d. Informal parent/student conferences,

e. Behavioral contracts,

f. After-school make-up time,

g. Short-term suspension,

h. Appropriate evaluation,

a. Home study,

j. Alternative programs, or

k. Law enforcement assistance as appropriate.

3. As part of a remedial discipline plan for a student, the School may require the student's parent or guardian, with the consent of the student's teachers, to attend class with the student for a period of time specified by a

designated School official. If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the provisions of this policy.

G. Due Process for Suspensions of Ten (10) Days or Less

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

a. The Director shall notify the student's custodial parent or guardian of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent or guardian to meet with the Director to review the suspension:

i. The Director shall also notify any non-custodial parent, if requested in writing, of the suspension. This does not apply to the portion of School records which would disclose any information protected under a court order; and

ii. The custodial parent is responsible to provide the School a certified copy of any court order under Section G-1-a-i.

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

c. The student shall be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.;

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

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

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

H. Due Process for Suspensions of More Than Ten (10) Days and Expulsions

1. If the Director believes that a student should be suspended for more than ten (10) days or expelled, the Director shall refer the matter to the Chief Administrative Officer. The Chief Administrative Officer may choose to refer the matter to the Board or to the Board member designated by the Board to handle such matters;

2. Prior to sending the referral, but in no instance longer than five (5) days after the suspension began, the Director shall meet with the parent or guardian to discuss the charges against the student and the proposed discipline;

3. The Director shall also notify any non-custodial parent, if requested in writing, of the possible suspension or expulsion as outlined in Section G-1-a-i of this policy;

4. The referral to the Chief Administrative Officer, Board, or designated Board member shall include all relevant documentation of the student's violation(s), including written student statements, written witness statements, evidence of an informal school hearing, evidence of a Director meeting with parent or guardian and written parental input:

a. Notice to Student and Parent/Guardian: If the Chief Administrative Officer, Board, or the Board member designated by the Board to handle such matters determines, after considering the totality of the circumstances and consulting with the CMT, that a student should be suspended for longer than ten (10) school days or expelled, the Director shall send written notice by certified mail, return receipt requested, to the student's parent or legal guardian, which includes all of the following elements:

i. A description of the alleged violation(s) or reason(s) giving rise to disciplinary action;

ii. The penalty being imposed (duration of suspension or expulsion);

iii. A statement that a due process hearing may be requested in writing within ten (10) working days of receipt of the notice;

iv. A statement that, if a hearing is requested, the Board has the authority to appoint an impartial Hearing Officer(s), who may be an employee or volunteer of the School;

v. A statement that the suspension or expulsion is taking effect immediately and will continue for the stated period unless a hearing is requested in a timely manner and the Hearing Officer(s) determines otherwise;

vi. The mailing date of the notice; and

vii. A statement that, if a hearing is not requested within ten (10) working days after receipt of the notice, the School's decision to suspend or expel the student will be final, and the parent's right to oppose the School's decision will be waived.

5. Hearing Procedures: If a hearing is requested in response to the notice of expulsion, the following procedures shall apply:

a. After receipt of the request, the School shall schedule a hearing as soon as possible but not later than ten (10) school days following receipt of the request;

b. A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian of:

i. The name of the Hearing Officer(s);

ii. The date, place, and time of the hearing;

iii. The circumstances, evidence, and issues to be discussed at the hearing;

iv. The right of all parties to cross-examine witnesses subject to the Hearing Officer's determination that this right should be limited to protect student witnesses from retaliation, ostracism or reprisal;

v. The right of all parties to appeal to the President of the Board within ten (10) working days following the decision if the parties disagree with the Hearing Officer's decision; and

vi. The right of all parties to examine all relevant records to the extent permitted by law.

c. The Hearing Officer(s) shall conduct the hearing on the record and shall:

i. Ensure that a written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the School;

ii. Consider all relevant evidence presented at the hearing;

iii. Allow the right to cross-examination of witnesses, unless the Hearing Officer(s) determines that this right should be limited to protect student witnesses from ostracism, retaliation or reprisal;

iv. Allow all parties a fair opportunity to present relevant evidence; and

v. Issue a written decision including findings of fact and conclusions.

d. Hearing Rules: Formal Rules of Evidence do not apply to the Hearing, and no discovery is permitted. However, the following rules will apply:

i. Parties may have access to information contained in the School's files to the extent permitted by law;

ii. Hearings shall be closed to the press and the public;

iii. Documents, testimony, or other evidence submitted by the parties after the hearing will not be considered by the Hearing Officer(s); and

iv. The Hearing Officer(s) may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Hearing Officer(s).

6. Appeals:

a. Within ten (10) working days following receipt of the Hearing Officer's written decision, either party may appeal the decision, in writing, to the President of the Board; and

b. Within ten (10) working days following receipt of the appeal, the Board President shall rule on the appeal.

I. Due Process for Change of Placement of Students with Disabilities

1. Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504 or ADA, procedures outlined in the Utah State Board of Education Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

a. Required Services for 504 and ADA Students:

i. When a determination is made that the conduct of a 504 or ADA student (but not a student who is disabled under IDEA) is not a manifestation of the student's disability pursuant to Section I, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from School without educational services.(OSEP memorandum of April 26, 1995.)

b. Required services for IDEA students:

i. A school need not provide services during periods of removal to a student with a disability under IDEA who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a student without disabilities who has been similarly removed; and

ii. If a student with a disability under IDEA has been removed from his or her current placement for more than ten (10) school days in the same school year, for the remainder of the removals, the School shall provide services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's IEP.

c. Change of Placement for Weapons or Drugs:

i. A student's IEP team may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five

(45) days, if:

1. The student carries a weapon to, or possesses at weapon at, School or a School-sponsored activity; or

2. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity.

d. Change of Placement Due to Student's Serious Misconduct:

i. School officials may request an expedited due process hearing in order to change the placement of a student with a disability to an appropriate interim alternative educational setting, recommended by the student's IEP team, for not more than forty-five (45) days. A Hearing Officer may order such a change, if he/she:

1. Determines that School officials have demonstrated by substantial evidence that maintaining the current placement of a student is substantially likely to result in injury to the student or others;

2. Considers the appropriateness of the student's current placement;

3. Considers whether School officials have made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

4. Determines that the interim alternative educational setting being recommended by School officials:

a. Has been selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP;

b. Includes services and modifications designed to address the behavior at issue so that it does not recur.

e. Parental Notice:

i. As soon as a decision is made by School officials to remove a student with a disability from his/her current placement for more than ten (10) school days, the student's parents must be notified of that decision and of all procedural safeguards outlined by law and School policy.

f. Meetings for Manifestation Determination:

i. Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision is made to remove the student from the current placement, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action;

ii. The manifestation review must be conducted by the student's IEP team and other qualified School personnel; and

iii. In conducting the manifestation review, the IEP team may determine that the behavior of the student was not a manifestation of student's disability only if the IEP team:

1. First considers, in terms of behavior subject to disciplinary action, all relevant information, including:

a. Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student;

b. Observations of the student; and

c. The student's IEP and placement.

2. Then determines whether:

a. The conduct in question was caused by or had a direct and substantial relationship to the child’s disability; or

b. The conduct in question was the direct result of the School’s failure to implement the student’s IEP.

3. If the IEP team determines that either of the standards above was met, the behavior must be considered a manifestation of the student's disability.

iv. Determination that Behavior was not Manifestation of Disability:

1. If the result of the manifestation review is a determination that the behavior of a student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education must still be made available to the student if the student is suspended or expelled from School.

v. Determination that Behavior was Manifestation of Disability:

1. If the result of the manifestation review is a determination that the behavior of a student with a disability was a manifestation of the student's disability, the student must remain in or be returned to the prior placement.

g. Meetings for Functional Behavioral Assessments:

i. Post-Discipline Functional Behavioral Assessments:

1. If School officials have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student before the behavior that results in a removal from School for longer than ten (10) school days or a change of placement to an interim alternative educational setting, School officials shall convene an IEP meeting to develop an assessment plan and appropriate behavioral interventions to address that behavior.

ii. Pre-Discipline Behavioral Intervention Plans:

1. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

h. Placement During Appeals and Stay Put:

i. If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student must remain subject to the disciplinary action pending the decision of the Hearing Officer or until the expiration of the forty-five (45) day period, whichever occurs first, unless the parent and School officials agree otherwise. If a student is placed in an interim alternative educational setting and School personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed:

1. Change in placement the student must remain in the current placement (the student's placement prior to the interim alternative education setting), unless School officials succeed in getting an order through an expedited hearing as described in Section I.

J. Site-Based Safe Schools Measures

1. Physical Restraint:

a. A School employee may, when acting within the scope of employment, use and apply physical restraint in self-defense or as may be reasonable and necessary under the following circumstances:

i. To protect any person from physical injury;

ii. To take possession of a weapon or other dangerous object in the possession or under the control of a student;

iii. To restrain or remove a student from a situation when that student is violent or is a danger to him/herself or others; or

iv. To protect property from serious damage when physical safety is at risk.

b. When an employee exercises physical restraint on a student, the following types of physical restraint are prohibited:

i. prone, or face-down;

ii. supine, or face-up;

iii. physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;

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

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

2. Seclusionary Timeout:

a. A School employee may, when acting within the scope of employment, place a student in seclusionary time out under the following circumstances:

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

ii. any door remains unlocked consistent with applicable fire and public safety requirements; and

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

3. Notification:

a. When an employee exercises physical restraint on a student or places a student in seclusionary timeout, the School or employee shall immediately notify the student's parent/guardian and the Director. In addition, if physical restraint or seclusionary timeout is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and the Director again.

b. Parent/guardian notifications made under this section shall be documented with respect to the student in the School's information system as required by R277-609-10.

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

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

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

4. The School shall establish an Emergency Safety Intervention ("ESI") Committee and follow the rules with respect to the ESI Committee in R277-609-7, and -10.

5. Corporal Punishment:

a. School employees may not inflict or cause the infliction of corporal punishment upon a student. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination. School employees who have been disciplined in connection with corporal punishment upon a student may pursue an appeal to the discipline decision in accordance with the School's Stakeholder Grievance Policy.

K. Extracurricular Activities

1. Participation in extracurricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of

suspension/expulsion and may not be allowed to invoke due process procedures to challenge the denial of extracurricular participation. In addition, Educational Units will be denied during this period of suspension/expulsion.

AX. Readmission of Expelled Students and Denial of Admissions Based on Prior Expulsion – Utah Code Ann.

§ 53G-8-205(3)

1. A student who is expelled from the School can only be readmitted to the School through the School's standard lottery procedures; and

2. A student may be denied admission to the School if he or she was expelled from the School or any other school during the preceding twelve (12) months.

ALL. Investigations

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

2. General Investigation Guidelines for Chief Administrative Officer or Director:

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

i. The Chief Administrative Officer or Director shall conduct investigations in a way that does not unduly interfere with School activities;

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

iii. The Chief Administrative Officer or Director shall advise students suspected of wrongdoing orally or in writing of the nature of the alleged offense;

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

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

vi. The Chief Administrative Officer or Director shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.;

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

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

3. Coordination with Law Enforcement:

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

i. The School administration may invite law enforcement officials to:

1. Conduct an investigation of alleged criminal conduct in connection with School electronic resources of a School-related or School-sponsored activity;

2. Maintain a safe and orderly educational environment; or

3. Maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.

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

1. The Chief Administrative Officer or Director shall request that law enforcement officers conduct an investigation and question students who are potential witnesses to the alleged criminal behavior;

2. The School official shall inform the student's parent or legal guardian as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation;

3. Unless circumstances dictate otherwise, questioning of the student by School officials shall not begin or continue until the law enforcement officers arrive;

4. Reasonable attempts shall be made to contact the student's parents or legal guardian who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities;

5. The Chief Administrative Officer or Director shall document the contact or attempted contact with the student's parents or legal guardian. If the Chief Administrative Officer or Director cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Chief Administrative Officer or Director shall be present and document generally what occurs during the interview;

6. The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer; and

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

iii. Investigation Initiated by Law Enforcement Authorities: School officials shall cooperate with law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc.:

1. When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation;

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

a. The officers shall be required to get prior approval of the Chief Administrative Officer or Director or other designated person before beginning an investigation of School property;

b. The Chief Administrative Officer or Director shall document the circumstances warranting the investigation as soon as practical;

c. Alleged criminal behavior related to the School environment brought to the Chief Administrative Officer’s or Director's attention by law enforcement officers shall be dealt with under the provisions of Section B-1;

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

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

iv. Release of Student to Law Enforcement Official:

1. Students may not be released to law enforcement authorities voluntarily by School officials unless the student has been placed under arrest or unless the parent or legal guardian and the student agree to the release;

2. When students are removed for any reason by law enforcement authorities, every reasonable effort shall be made to contact the student's parent or legal guardian immediately except in cases of child abuse and neglect. Such effort shall be documented;

3. The Chief Administrative Officer or Director shall immediately notify the Board of the removal of a student from School by law enforcement authorities;

4. Where it is necessary to take a student into custody during a School-sponsored activity, the law enforcement officer shall contact the Chief Administrative Officer or Director and relate the circumstances necessitating such action;

5. Whenever the need arises to make arrests or take students into custody during a School-sponsored activity, the Chief Administrative Officer or Director shall make reasonable efforts to consult and confer with the law enforcement officers as to how an arrest is to be made; and

6. When a student has been taken into custody or arrested during a School-sponsored activity without prior notification to the Chief Administrative Officer or Director, the School staff present shall encourage the law enforcement officers to tell the Chief Administrative Officer or Director of the circumstances as quickly as possible. If the officers decline to tell the Chief Administrative Officer or Director, the School staff members present shall immediately notify the Chief Administrative Officer or Director.

v. Quelling Disturbances of School Environment:

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

N. Investigation of Child Abuse and Neglect

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

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

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

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

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

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

iv. It is not the responsibility of the Director or other School employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection; and

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

c. To determine whether or not there is reason to believe that abuse or neglect has occurred, professional School employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists:

i. Interviews with the child or suspected abuser shall not be conducted by the Director or any other School employees;

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

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

iv. Investigations are the responsibility of the Division of Child and Family Services:

1. The Director or other School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect; and

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

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

Searches of Person or Property

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

a. General Guidelines for Searches of Person or Property:

i. Searches of a student's person, personal property (coats, hats, backpacks, book bags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable

suspicion that a particular School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction; and

ii. Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or student property is concealing items including but not limited to weapons, drugs, controlled substances, electronic cigarette products, alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

b. Searches of Personal Belongings:

i. Personal belongings may be searched by School officials whenever School officials have a reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence;

ii. The student may be asked to open personal belongings and to turn over personal property for search by a School official. All searches of student property by School officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive; and

iii. All contraband discovered in a search by School officials shall be immediately confiscated and turned over to law enforcement officers if School officials have reason to believe the contraband is related to the commission of a criminal act.

c. Searches of Person:

i. School officials shall make sure the search meets the following guidelines:

1. The search shall be conducted in a private area of the School by a School official of the same sex as the student being searched;

2. The search shall be observed by an objective third party of the same sex as the student being searched (i.e., Chief Administrative Officer, Director, teacher, police officer);

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

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

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

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

d. Documentation of Searches:

i. school officials shall thoroughly document the details of any search conducted of a student's property or person. documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

1. The time, place and date of the search;

2. The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);

3. The name and title of individuals conducting and observing the search;

4. A statement about evidence that was found or not found as a result of the search;

5. A statement about who took possession of contraband (i.e., police, school, etc.); and

6. Information regarding the attempts of School officials to notify parents about the search.

P. Records-Interagency Collaboration – 20 U.S.C. § 1232g(h)(i)-(2); Utah Code Ann. § 53G-8-402 to -405

1. Requirements After Receiving Notification from Juvenile Court and/or Law Enforcement Agencies of a Student's Serious Offense or Sexual Crime:

a. If the President of the Board or Chief Administrative Officer is notified by the juvenile court that a current or former student of the School has been adjudicated for a serious offense or sexual crime or is notified by a law enforcement agency that a current or former student of the School has been taken into custody or detention for a serious offense or sexual crime, the President of the Board or Chief Administrative Officer shall notify the Director within three (3) days of receiving the notification.

i. "Serious offense" is defined in Utah Code Ann. § 80-6-103 and means the following: a violent felony as defined in § 76-3-203.5; an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property stolen is a firearm; or an offense in violation of Title 76, Chapter 10, Part 5 Weapons; and

ii. "Sexual crime" or "sexual misconduct" means any conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses; Title 76 Chapter 5b, Sexual Exploitation Act; § 76-7-102, incest; §

76- 9-702, lewdness; and § 76-9-702.1, sexual battery.

b. Upon receipt of the information about a student's serious offense (whether from the President of the Board, the Chief Administrative Officer, or directly from the juvenile court or law enforcement agency), the Director shall make a notation in a secure file other than the student's permanent file. Beginning no later than July 1, 2025, the School shall digitally maintain the secure file or, if available, the student's related reintegration plan described below, for one year from the day the notice is received and ensure the secure file follows the student if the student transfers to a different school.

c. Upon receipt of the information about a student's serious offense or sexual crime (whether from the President of the Board, the Chief Administrative Officer, or directly from the juvenile court or law enforcement agency), the Director shall, if the student is still enrolled in the School, notify staff members who, in the Director's opinion, should know of the adjudication, arrest, or detention. Staff members receiving information about a juvenile student's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.

2. Multidisciplinary Team and Reintegration Plan

a. In addition to complying with the requirements above, the School shall, within five (5) days after receiving a notification described above about a student committing a serious offense or sexual crime, or within a reasonable time after otherwise being notified of a student committing a serious offense or sexual crime, develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian. The multidisciplinary team should include the School, the juvenile court, the Division of Juvenile Justice and Youth Services, the School's Safety and Security Specialist, the School's Safety and Security Director, the School's Resource Officer (if any), and any other relevant party that should be involved in a reintegration plan.

b. The reintegration plan shall address:

i. a behavioral intervention for the student;

ii. a short-term mental health or counseling service for the student;

iii. an academic intervention for the student; and

iv. if the serious offense or sexual crime was directed at a School employee or another student within the School, notification of the reintegration plan to that School employee or student and the student's parent.

c. The School may deny admission to the student until the School completes the reintegration plan.

d. The School's Resource Officer (if any) shall provide input for the School to consider regarding the safety risks a student may pose upon integration. The School shall also notify its Resource Officer (if any) of any student who is on probation.

e. The School shall not reintegrate a student when:

i. a student or staff member of the School has a protective order against the student being reintegrated; or

ii. a student or staff member of the School is a victim of the serious offense or sexual crime committed by the student being reintegrated.

f. A reintegration plan under this section is classified as a protected record under Utah Code Ann. § 63G-2-305. All other records of disclosures under this section are governed by the Government Records Access and Management Act and the Family Educational Rights and Privacy Act

("FERPA").

3. Students Committing a Serious Offense or Sexual Crime are Subject to Suspension or Expulsion

a. Students who commit a serious offense or sexual crime, whether on or off School property, are subject to the suspension and expulsion provisions of this policy.

4. Student Discipline Records/Education Records:

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

i. Disclosure of Discipline Records to Other Educators:

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

ii. Disclosure of Discipline Records to Other Agencies:

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

Q. Training

1. All new employees shall receive information about this policy at new employee orientation. All other employees shall be provided information on a regular basis regarding this policy and the School's commitment to a safe and orderly school environment;

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

3. The Chief Administrative Officer or Director shall be responsible for informing students, parents, and staff of the terms of this policy including the procedures outlined for investigation and resolution of violations.

R. Policy Dissemination and Review

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

2. A summary of this policy shall be posted in the School, and the policy will be posted on the School’s website. The policy or a summary of the policy shall also be published in student registration materials, student and employee handbooks, and other appropriate School publications as directed by the Board; and

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

SCHOOL CULTURE

Original Adopted Date: 05/11/2018

Purpose

Lumen Scholar Institute believes in fostering a positive environment, where all parties can work together to ensure the success of the student. True achievement can only be reached in a culture that aims to respect the individual. For the purpose of this policy, the term School Employees refers to all staff, including teaching faculty, the contracted business manager, and administration, except where specifically stated otherwise.

Policy

1. School Employees will strive to create a cooperative working environment by their actions. These include, but are not limited to:

a. Having mutual respect toward all fellow employees, regardless of position held in the school:

i. Degrading or insulting comments and behavior toward a fellow employee is expressly prohibited, whether in person, in writing or any other medium;

ii. Questioning others' authority or capability to make decisions regarding their position is grounds for dismissal; and

iii. Making derogatory remarks about a fellow employee to any stakeholder is grounds for dismissal.

b. Maintaining and portraying a positive attitude regarding the school's charter and vision for students;

c. Keeping personal views and opinions to oneself, especially around students and parents/guardians;

d. Understanding the appropriate roles of the Board of Trustees, the administration and other employees within the school and respecting those roles;

e. Remembering that, as an employee, he/she represents the school in ALL professionally related venues (whether on or off campus), including:

i. Social Media Posts,

ii. Meetings, conventions or training sessions, and

iii. School related activities or field trips.

f. Exemplifying a united front regarding change in, or implementation of, policies or procedures, whether directed by:

i. The Utah State Board of Education,

ii. The Utah State Charter School Board,

iii. The school's Board of Trustees, and

iv. The school's administration.

2. School Employees will provide a high level of quality customer service to all. This includes, but is not limited to:

a. Remembering that students/parents are the reason for work, not an interruption of it;

b. Using sound judgement when attempting to find a solution, but NEVER stepping outside the bounds of laws, regulations or policies/procedures of the school;

c. Treating all stakeholders fairly and consistently;

d. Apologizing and moving forward when a mistake has been made;

e. Not engaging in gossip or conversations about students or families that is not relevant to addressing a specific concern to the appropriate individuals;

f. Not discussing sensitive issues regarding students or families in a general area where others can overhear;

g. Answering all communications (phone, email or other) within 1 business day and with professional language;

h. Actively listening to a concerned party's issue without forming a judgement prematurely;

i. Not making excuses or attempts to place blame elsewhere for one's own shortcomings;

j. Focusing on what CAN be done to solve a problem, not what cannot; and

k. Working to put a stakeholder in touch with the employee who can best address the difficulty or question.

3. School employees will escalate all non-resolved concerns to the appropriate administrator and will direct all stakeholders to do the same:

a. School employees are not to dismiss, minimize or ignore concerns by any stakeholder;

b. School employees will not encourage stakeholders, nor each other, to contact members of the Board of Trustees to complain, gossip or address an issue without going through the proper procedures as found in the school's Grievance Policy;

c. School employees will not attempt to acquire allies by gossip, social media postings, or email regarding a complaint; and

d. An individual will not suffer any repercussions, consequences, stripping of duties or reassignment after filing a complaint or voicing a concern.

4. Students will be treated with respect, and provided a safe, positive environment without discrimination of any kind:

a. School employees will show their advocacy for all students in their behavior and actions at all times;

b. School employees are not to dismiss, minimize or ignore any concern a student brings to their attention;

c. School employees are not to dismiss, minimize or ignore any concern a parent/guardian or other stakeholder brings to their attention, regarding a student;

d. All personnel will be thoroughly trained in understanding and implementing the school's Bullying Policy;

e. School employees will not exercise judgement on any student or parent/guardian based on their personal religious or political beliefs; and

f. School employees will not passively allow other employees or students to exercise judgement on any student or parent/guardian based on their personal religious or political beliefs.

5. Parents/Guardians and all other stakeholders not previously mentioned will be treated with respect without discrimination of any kind:

a. School employees are not to dismiss, minimize or ignore any concern a parent/guardian or other stakeholder brings to their attention, regarding the school;

b. If the school offers a resource, parents/guardians should be encouraged to use it, not dissuaded by:

i. False or misleading statements,

ii. Intimidation or judgement, and

iii. Reprisal of any kind.

c. School employees will not make personal judgements about parental/guardian choices, regarding:

i. Current or previous curriculum choices for a student,

ii. Organization of the student's home schedule,

iii. Extra-curricular options for a student, and

iv. Mandated testing Opt-out.

d. Effective communication with parents/guardians and other stakeholders will be professional, courteous and punctual. This includes, but is not limited to:

i. Having a cheerful, positive voice on the phone;

ii. Answering phone messages or emails within 1 business day;

iii. Providing ample notice and follow up when emailing information regarding school activities, testing, enrollment, registration for classes, etc.;

iv. Working to address an issue, not to place blame;

v. Taking the initiative when resolving a concern; and

vi. Being proactive, not reactive.

SCHOOL FEES AND WAIVERS

Original Adopted Date: 08/11/2015 | **Last Revised Date:** 10/24/2024 | **Last Reviewed Date:** 10/24/2024

Purpose

The purpose of this policy is to provide educational opportunities for all students of Lumen Scholar Institute (the "School") in accordance with applicable law and Utah State Board of Education rule regarding school fees.

Policy

1. Board Policy:

    a. Pursuant to action taken by the Utah State Legislature and subsequent rulemaking based on that action by the Utah State Board of Education, the School has created an official fee and fee waiver policy. The Board of Trustees delegates to the Administration of the School the responsibility of administering this policy; and

    b. The School currently does not charge school fees to participate in any approved educational activities.

2. Administration Regulation:

    a. The School's administration may establish an administrative regulation that sets forth school fee definitions, standards, and rules to serve as guidelines for the administration as they assess fees and fee waivers at the School.

3. Review, Approval, and Training:

    a. In the event the School elects to charge fees, the Board will amend this policy as necessary and review and approve the policy annually.

    b. In the event the School elects to charge fees, the School will develop a plan for at least annual training of School employees on fee and fee waiver-related policies and procedures specific to each employee's job functions.

SEX EDUCATION INSTRUCTION

Original Adopted Date: 07/21/2022

Purpose

The purpose of this policy is to ensure that any sex education instruction or instructional programs taught at Lumen Scholar Institute (the "School") are compliant with state law.

Policy

The School will comply with applicable state law regarding the review, approval, and presentation of sex education instruction or instructional programs, including maturation education, at the School.

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

The School's administration shall establish administrative regulations to help the School comply with the requirements related to sex education instruction or instructional programs under Utah law.

Every two years the Board of Trustees shall (a) review this policy; and (b) review data for the county in which the School is located pursuant to Utah Code § 53G-10-402, which may include teen pregnancy, child sexual abuse, sexually transmitted diseases and sexually transmitted infections, and the number of pornography complaints or other instances reported in the School.

SEXUAL HARASSMENT

Original Adopted Date: 12/03/2020

Statement of Policy

Lumen Scholar Institute is committed to providing a workplace and educational environment that are free from sexual harassment and retaliation. To affirm the School's commitment to equity in all aspects of the educational program, the School has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment or retaliation. These policies and procedures are in compliance with the Education Amendments of 1972 (Title IX), 20 U.S.C., and further detailed in 34 CFR 106. Students and employees who feel they have been subject to sexual harassment are encouraged to file a complaint in accordance with the process outlined in this policy.

Title IX Coordinator

1. The Board of Trustee's assigns the Operations Director as the Title IX Coordinator designated for protection against sexual harassment and authorized to coordinate the School's efforts to comply with the requirements of Title IX.

2. Any person may report sex discrimination (including sexual harassment) to the Title IX Coordinator at any time by any means that results in the Title IX Coordinator receiving the report.

Definitions

1. "Actual Knowledge" refers to notice/awareness of sexual harassment or allegations of sexual harassment to any employee of the School, which triggers the School's obligation to respond.

2. "Complainant" refers to an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

3. "Education program or activity" means all locations, events, or circumstances over which the School exercises substantial control over both a respondent and the context in which sexual harassment occurs.

4. "False Complaint" refers to intentionally false, malicious, or frivolous complaints of sexual harassment and could result in corrective or disciplinary action taken against the complainant.

5. "Formal Complaint" refers to a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX Coordinator.

6. "Preponderance of the Evidence" refers to whether it is more likely than not that the Respondent violated the Policy as alleged.

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

8. “Retaliation” refers to threats, intimidation, coercion, taunting, spreading rumors, unauthorized disclosure of the details of an investigation, ostracism, assault, destruction of property, discrimination, or other

negative/harassing conduct toward any person who has filed a complaint, or has testified, assisted, or participated in any manner in an investigation or proceeding related to the allegation.

9. “Sexual Harassment” refers to conduct on the basis of sex that satisfies one or more of the following:

a. A School employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (quid pro quo);

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s education program or activity;

c. “Severe” - This identifier addresses whether the described occurrence or conduct was extreme from the perspective of a reasonable person in the complainant’s position

d. “Pervasive” - This identifier stipulates that a single instance of an offensive comment or joke typically does not meet the Title IX standard for sexual harassment requiring investigation. However, there may be instances where a single unwelcome act may meet that standard. Factors to consider include, but are not limited to, the existence of a pattern of sexual harassment, the number of people involved, and the occurrence of widespread dissemination of offensive material.

e. “Objectively Offensive” - This identifier addresses whether the described occurrence or conduct was offensive from the perspective of a reasonable person in the complainant’s position. Notably, the perspective for offensiveness is based on the reasonableness from the complainant’s perspective, and the intent of the respondent is irrelevant in the analysis.

f. “Effectively Denies Equal Access” - This does not require that a complainant be entirely or physically excluded from educational or employment opportunities, but rather that the sexual harassment has so undermined and detracted from the complainant’s educational environment, that he or she is effectively denied equal access.

10. Any instance of sexual assault, dating violence, domestic violence, or stalking, as defined in the Clery Act and in this policy:

a. “Sexual assault” is the unwelcome touching of a person’s private body parts for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent.

b. “Dating violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant, which may be determined by (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship;

c. “Domestic violence” is violence committed by a current or former spouse or intimate partner of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under Utah law, or by any other person acting against a complainant who is protected from that person’s acts under Utah law; or

d. “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

11. “Sexual Misconduct” refers to conduct which is not sexual harassment as defined above, but which is sexual in nature or based on gender or other sex characteristics and which is prohibited by School conduct standards.

12. “Supportive Measure” refers to any non-disciplinary, non-punitive individualized service 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 the School’s education program or activity without unreasonably burdening either party, including measures designed to protect the safety of all parties or the School's educational environment, or deter sexual harassment.

Complaint Process

1. Individuals who believe they have been subjected to sexual harassment should immediately notify a teacher, administrator, or the Title IX Coordinator and may file a formal complaint.

2. A report or notice of alleged sexual harassment may be filed by someone other than a complainant, in which case the response, procedures, and supportive measures will be followed as outlined below. However, a formal investigation is completed only upon receipt of a formal complaint by a complainant or, if a minor, the complainant’s parent/guardian, or by the Title IX Coordinator on behalf of the complainant.

3. A formal complaint must be in writing and must be delivered to the Title IX Coordinator and should include the elements described below.

a. Name, home address, email address, and telephone number of the complainant.

b. Date(s) of incident(s) leading to the complaint,

c. Name(s) of respondent(s),

d. Description of the conduct or incident(s) leading to the complaint,

e. Description of the harm caused by the incident,

f. Description of the remedy sought, and

g. The complainant's physical or digital signature, or other indication that the complainant is the person filing the formal complaint. A parent/guardian may sign and file a formal complaint on behalf of a minor complainant.

Employee Responsibility to Report

1. An employee with actual knowledge of sexual harassment or allegation of sexual harassment shall, as soon as is reasonably possible, notify their immediate supervisor or the Title IX Coordinator.

General Provisions

1. Complainants and respondents are treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following appropriate procedures before imposing any disciplinary sanction or taking any other action against the respondent.

2. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School and not on the parties.

3. Legal evidentiary privileges will be respected, and the School will not require, allow, rely on, seek disclosure of, or otherwise use information protected by a legally recognized privilege unless the person holding the privilege has waived it.

4. Evidence regarding the complainant's sexual predisposition or prior sexual behavior is not relevant unless the evidence is being offered either to show that someone other than the respondent committed the alleged conduct or to show consent concerning specific instances of the complainant's prior sexual behavior with respect to the respondent.

5. The Title IX Coordinator, investigation team, decision-makers, or any person designated to facilitate an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally.

6. A respondent is presumed not responsible for alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation.

7. The range of disciplinary sanctions and remedies following a determination of responsibility include:

a. Sanctions:

i. Short-term removal from school

ii. Long-term removal from school

iii. Measures which are supportive of the complainant but which impose a burden on the respondent and which may be punitive in nature

iv. Any sanction which might be imposed under employee or student discipline policies, including but not limited to temporary or permanent restriction of a student's participation in extracurricular activities

b. Remedies:

i. Counseling,

ii. Extensions of deadlines or other course-related adjustments,

iii. Modifications of work or class schedules,

iv. Use of school safety plan procedures,

v. Mutual restrictions on contact between parties,

vi. Changes in work or education setting locations,

vii. Increased security and monitoring of certain areas of the school.

8. The standard of evidence for all complaints of sexual harassment through this process is a preponderance of the evidence.

9. Both the complainant and the respondent shall have the right to appeal the decision-maker's decision, in accordance with section 10.0.

10. The complainant and the respondent will be informed that the parties may have an adult advisor of their choice throughout the investigation of the formal complaint.

11. Where multiple 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.

12. The time frames established for this process are intended to provide a reasonably prompt resolution of complaints. However, the School may, for good cause and with written notice to the complainant and respondent, temporarily delay the process or extend a deadline for a limited time. Good cause may include (but is not limited to) considerations such as the absence of a party or a party's advisor, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

Initial Response

1. Should a director/supervisor become aware of an allegation of, or conduct that may constitute sexual harassment, the director/supervisor will follow-up with an initial inquiry to determine if the conduct, on the face of the allegations, is more likely sexual misconduct or sexual harassment.

a. If after the initial inquiry, the director/supervisor determines the conduct is more likely Sexual Misconduct, protocols for investigating and discipline will proceed according to School's policy and procedure 0430 or employee policy and procedure Employee Suspension Regulation.

2. If after the initial inquiry, the director/supervisor determines the conduct is more likely Sexual Harassment, the director/supervisor will notify the Title IX Coordinator about the allegation.

3. The Title IX Coordinator along with a director/supervisor, will promptly contact the complainant to discuss the availability of supportive measures (with or without the filing of a formal complaint), consider the complainant's wishes with respect to supportive measures, explain to the complainant the process for filing and investigating a formal complaint, offer the option of an informal resolution, and advise the complainant that they may have an adult advisor of their choice throughout the investigation of a formal complaint.

4. If the complainant files a Formal Complaint or the Title IX Coordinator files a Formal Complaint on behalf of the complainant, the formal investigation process set forth in section 7.0 shall be followed.

Supportive Measures

1. Supportive measures will be offered to the complainant and the respondent when the School learns of allegations of Sexual Harassment.

2. They shall not be punitive or disciplinary.

3. They may be individualized depending on the circumstances of the complainant and/or the respondent.

4. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus safety plan, mutual restrictions on contact between the parties, supervised transitions, changes in work locations, increased security and monitoring of certain areas of the campus, and other similar measures.

5. The School must maintain as confidential any supportive measures provided to the complainant and respondent, except to the extent that maintaining such confidentiality would impair the ability of the School to provide the supportive measures.

6. The Title IX Coordinator is responsible for coordinating and documenting the effective implementation of supportive measures.

7. Emergency Removal

a. The Title IX Coordinator, in consultation with the supervising Director and/or supervisor, may conduct an emergency removal of a respondent from the School's education program or activity. To remove a respondent on an emergency basis, the School must undertake an individualized safety and risk analysis meeting and determine that an immediate threat to the physical health or safety of a student or other individual arising from the allegations of sexual harassment justifies the removal. The respondent must be given notice and an opportunity to challenge the decision immediately following the removal. An emergency removal may not constitute or be documented as disciplinary action.

b. In cases when an emergency removal involves a student with a disability who is receiving services under an IEP or 504, a meeting can serve as the student's manifestation determination and will be conducted in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA). The meeting will be scheduled and held within ten (10) workdays of the decision to implement the emergency removal. If it is determined that an emergency removal is necessary for more than ten (10) workdays, that would constitute a change in placement and would be addressed in accordance with the requirements of the IDEA.

8. Suspension of Employee Respondent

a. A non-student employee respondent may be placed on administrative leave during the investigation and complaint resolution process consistent with School policies and procedures relating to employee discipline.

Informal Resolution Process

1. Informal resolution may be appropriate in cases of sexual harassment according to the following requirements:

a. Informal resolution can never be offered to resolve complaints alleging that an employee sexually harassed a student;

b. Resolution facilitators must be free from conflicts of interest or bias and be trained to serve impartially;

c. Informal resolution processes must have reasonably prompt time frames;

d. The initial written notice of allegations sent to both parties must include information about the informal resolution processes made available and the consequences of participation in the process (including what records will be maintained or could be shared); and

e. Parties retain their right to a formal resolution process, and can withdraw from informal resolution and resume a formal process at any time.

2. Both parties must submit, voluntarily and without compulsion, written confirmation of their desire to resolve the matter through informal resolution processes.

Formal Investigation

1. The procedures outlined in this section are detailed and constitute the recommended best practice. A good faith effort will be made in all cases. However, minor omissions and other procedural inconsistencies do not invalidate an otherwise equitable investigation. Investigators must be flexible and adapt to the circumstances of each complaint.

2. Assignment of investigation team

a. The Title IX Coordinator shall notify the applicable Director of secondary or elementary education, Human Resources, or any other applicable administrator when opening an investigation and creating an investigation team.

b. The investigation team shall include the Title IX Coordinator, an applicable School Director, and, in instances involving an employee, the Administrator of Human Resources.

i. Investigators must receive training on the definition of sexual harassment under this policy, the scope of the School's education programs and activities, how to conduct an investigation, how to determine relevance, how to create an investigative report that fairly summarizes relevant evidence, how to write and issue an investigative report, and how to serve impartially, including avoidance of prejudgment of the facts at issue, conflicts of interest, and bias.

3. Upon receipt of a formal complaint, the Title IX Coordinator determines whether the complaint must or may be dismissed. A dismissal may occur at any point in the investigation.

a. The Title IX Coordinator must dismiss the complaint if any of the following conditions apply:

i. The conduct alleged would not constitute sexual harassment as defined in this policy even if proved;

ii. The conduct alleged did not occur in a School program or activity; or

iii. The conduct alleged did not occur against a person in the United States.

b. The Title IX Coordinator may dismiss the complaint or any of the allegations therein if any of the following conditions apply:

i. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

ii. The respondent is no longer enrolled in or employed by the School; or

iii. Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the allegations contained in the formal complaint.

c. Dismissal does not preclude action under another School policy. The School has the flexibility to provide supportive measures in response to allegations of conduct, and to investigate such conduct, that does not involve sexual harassment but is otherwise prohibited under School policy, including bullying, discrimination, and "sexual misconduct" as defined above.

d. If a complaint is dismissed, the Title IX Coordinator shall promptly notify both parties in writing of a dismissal decision and shall give both parties equal right to appeal a dismissal decision.

4. The investigation team should begin each investigation by documenting the alleged conduct and creating an investigation file.

5. The investigation team shall refer the matter to law enforcement authorities or the Utah State Division of Child and Family Services, where appropriate or required by law. The investigation team must continue to conduct the investigation even if the matter has been referred to another agency. The investigation team should coordinate with the other agency and may adjust timelines and procedures accordingly.

6. Notice of Allegations

a. Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following written notice to the parties. If, in the course of the investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator must provide notice of the additional allegations to both parties.

i. Notice of the School's complaint and investigation process, including any informal resolution process available;

ii. Notice prohibiting retaliation, including a warning that anyone found to have engaged in retaliation will be subject to disciplinary action and a requirement that complainants, respondents, and witnesses report any retaliatory conduct;

iii. Notice of the allegations of sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the following, if known:

1. The identities of the parties involved in the incident;

2. The conduct allegedly constituting sexual harassment under this policy; and

3. The date and location of the alleged incident;

iv. A statement that the respondent is presumed innocent until a determination has been made at the conclusion of the investigation;

v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and that the parties may inspect and review evidence as described below; and

vi. A statement that School policy prohibits knowingly making false statements or knowingly submitting false information during the investigation and that a party found to have done so is subject to disciplinary action which may include, but not be limited to termination.

6. Access to a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in their capacity in connection with the party's treatment can only be obtained through the party's voluntary, written consent (if the party is a minor, consent must be from the parent).

Investigation Process

1. The investigation team shall provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a party whose participation is invited or expected, with sufficient time for the party to prepare to participate.

2. The investigation team shall provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

3. Each of the following persons shall be interviewed by the investigation team, and a record made of the interview.

a. Interview with a complainant. The complainant may be accompanied by an adult representative, including legal counsel. The complainant may present evidence supporting the complaint.

b. Interview with a respondent. The respondent may be accompanied by an adult representative, including legal counsel. The complainant may present evidence supporting the complaint.

4. The investigation team gathers and reviews supplemental evidence.

a. Any relevant security camera footage or other evidence maintained on the School computer network or computers or devices.

b. Any relevant evidence gathered through lawful searches conducted in the course of the investigation.

c. Any interviews, statements, or documents from other students, employees, and parents who are not the complainant or the respondent.

5. The investigation team will notify the complainant and/or respondent of the need for any follow-up interview.

6. The investigation team shall gather and preserve all evidence, including video footage from surveillance cameras, photos, physical evidence, documents, correspondence, and any relevant electronic information such as text messages, videos, and social media postings.

7. Upon completion of interviewing and gathering evidence, the investigation team shall send a draft investigative report to both parties for inspection in an electronic format or hard copy.

a. Both parties have ten (10) workdays to respond to the draft investigative report.

b. The investigation team shall consider the responses by both parties, but need not adopt the responses, and shall draft a Final Investigation Report which shall include a description of the complaint and a summary of the evidence.

c. The Final Investigation Report shall be shared simultaneously with both parties and the decision-making panel.

Decision-Making

1. Decision-Makers

a. Decision-makers shall be appointed by the Title IX Coordinator subject to the following qualifications.

b. Decision-makers cannot be part of the investigation team.

c. The decision-makers may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

d. The decision-makers must receive training on the definition of sexual harassment under this policy, the scope of the School's education programs and activities, how to conduct an investigation, how to issue a written determination, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

2. Parties' Response to Final Investigative Report

a. Both parties shall have ten (10) workdays to submit written, relevant questions to the decision-makers to be asked of a party or witness.

i. Questions that the decision-makers determine are not relevant do not need to be submitted for response.

b. After answers are received by the decision-makers, those will be provided to the parties. At the discretion of the decision-makers, additional, limited follow-up questions may be posed in person or submitted in writing.

c. The decision-makers will determine a deadline for when the responses are to be returned.

3. Decision-Making Process

a. The decision-makers must issue a written decision as to whether the respondent committed sexual harassment.

b. The decision-makers objectively evaluate all relevant evidence gathered and presented during the investigation, as found in the investigation report, along with the answers to any questions and follow-up questions to parties and witnesses as a response to the investigative report. The decision-makers

evaluate the evidence, judging credibility based on factors of plausibility and consistency in party and witness statements, and then reach a decision regarding responsibility.

c. The decision-makers may consult with School Legal Counsel regarding legal questions, but otherwise must make the decision based on the evidence presented.

d. The decision-makers shall base the decision on the preponderance of the evidence standard. The School shall apply the same standard to all formal complaints of sexual harassment, whether the complaint involves a student or employee.

e. The Written Decision must include:

i. Identification of the allegations potentially constituting sexual harassment as defined in this policy;

ii. A description of the procedural steps taken from the receipt of the formal complaint through the decisions, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

iii. Findings of fact supporting the decision;

iv. Conclusions regarding the application of the School's conduct standards to the facts;

v. A statement of, and rationale for, the result as to each allegation, including a decision, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program or activity will be provided by the School to the complainant; and

vi. The School's procedures for the complainant and respondent to appeal.

f. The Written Decision must be provided to the parties at the same time.

g. If the respondent is a student and found to have committed sexual harassment, the decision-makers shall ensure that the behavior and resulting disciplinary action is documented in the SIS.

h. The Title IX Coordinator is responsible for the effective implementation of any remedies under a decision regarding sexual harassment.

Appeals

1. Appeal of Decision

a. Either party may appeal a dismissal decision by the Title IX Coordinator or a written decision by the decision-makers.

b. Disagreement with the outcome of an investigation or with the interpretation of evidence or findings of fact are not grounds for appeal. The only permitted grounds for appeal are:

i. A failure to follow the investigative procedures outlined in this policy which affected the outcome;

ii. There is new evidence (that is, evidence which was not reasonably available at the time the determination about dismissal or responsibility was made) that could affect the outcome; or

iii. There was a conflict of interest or bias on the part of the Title IX Coordinator, investigation team, or decision-makers.

c. A party may appeal by giving written notice to the Board of Trustees President within fifteen (15) workdays of the date the written decision is issued. Failure to submit written notice of appeal to the President within fifteen (15) workdays constitutes forfeiture of any right to appeal.

d. The President or his/her designee shall promptly give the other party written notice of the appeal and provide a copy of the appeal.

e. Both parties shall have a reasonable and equal opportunity to submit a written statement in support of or challenging the decision.

f. The Board of Trustees or their designee will consider the appeal and statements submitted and issue a written decision on the appeal which includes the reasons for the decision and which is provided to the parties at the same time. The decision of the Board of Trustees or their designee is final.

g. Those considering appeals must receive training on the definition of sexual harassment under this policy, the scope of the School's education programs and activities, how to conduct an investigation, how to issue a written decision, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Confidentiality

1. It is School policy to respect, as far as possible, the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, because an individual's right to confidentiality must be balanced with the School's obligations to cooperate with law enforcement, government agencies, or legal proceedings, or to investigate and take necessary action to resolve a complaint, including by allowing each party the chance to provide information to the investigation team, information about the complaint may be disclosed in appropriate circumstances, and for other good reasons that apply to the particular situation.

2. Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate law enforcement authorities or the Utah State Division of Child and Family Services. The anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by UTAH CODE ANN. § 62A-4a-412.

Record Keeping

1. The Title IX Coordinator shall maintain a confidential record separate from the individual's educational or personnel file that includes the complaint, response, witness statements, evidence, investigative

report, written decision, any appeal and the result therefrom, and any informal resolution and the result therefrom for the later of seven years or two years after a student complainant or student respondent has graduated.

2. All complaints and any subsequent discipline made under this policy involving a student must be documented by an administrator on the School's SIS. Complaints must be documented even if the investigation results in a finding that this policy was not violated. Consistent with the U.S. Department of Education Civil Rights Data Collection, the documentation must indicate whether sexual harassment was alleged or whether the conduct alleged would constitute sexual harassment.

a. If allegations are substantiated, documentation of the incident must be recorded in the SIS for both the complainant and the respondent.

b. If the allegations are not substantiated, documentation of the incident must be recorded in the SIS for the complainant only.

3. All records created during the investigative process must be maintained for 7 years or 2 years after the student graduates (whichever is longer).

Training

1. Lumen Scholar Institute recognizes the importance of educating its employees and students regarding the prevention of sexual harassment and the observance of high ethical standards. To these ends, the school will provide ongoing training in this area. Notice of this policy will be posted online, and training will be conducted for employees and students of the school.

2. Training materials used will be posted on the school’s website and available for seven (7) years.

3. Decision-makers, investigators, and the Board of Trustees must be trained regularly.

SALARY SUPPLEMENT FOR HIGHLY NEEDED EDUCATORS PROGRAM

Original Adopted Date: 06.17.2025

Purpose

The purpose of this policy is to describe how Lumen Scholar Institute (the "School") administers the Salary Supplement for Highly Needed Educators ("SHiNE") Program. This policy is meant to comply with the requirements of Utah Code § 53F-2-504.

Definitions

"Eligible teacher" means a teacher who:

(a) has a qualifying assignment;

(b) qualifies for the teacher's assignment in accordance with an LEA's policy; and

(c) is a new employee or has not received an unsatisfactory rating on the teacher's three most recent evaluations.

"Qualifying assignment" means a teacher who is assigned to a high-needs area.

"High-needs area" means at least two and up to five teaching assignments that an LEA designates in a policy as challenging to fill or retain.

Policy

High-Needs Areas

The following teaching assignments are designated as high-needs areas at the School:

(a) Secondary Science (7-12); and

(b) Secondary Math (7-12).

Process for Determining if a Teacher is an Eligible Teacher

The School's Chief Administrative Officer or his/her designee shall perform due diligence in determining whether a teacher meets the definition of eligible teacher as set forth in this policy. Due diligence includes, at a minimum, verifying that a teacher:

(a) is assigned to teach in one of the high-needs areas listed above;

(b) is qualified to teach in the high-needs area (qualification factors to consider include, but are not limited to, licensure, training, education, experience, and skills); and

(c) is a new employee of the School or is not a new employee of the School but has not received an unsatisfactory rating on the teacher's three most recent evaluations from the School.

On an annual basis, the School's Chief Administrative Officer or his/her designee shall create a list of all teachers who have been determined to meet the definition of eligible teacher under this policy.

Process for Certifying a List of Eligible Teachers to be Awarded a Salary Supplement

On an annual basis, the School's Chief Administrative Officer or his/her designee shall review the list of all teachers who have been determined to meet the definition of eligible teacher under this policy and shall make any changes to the list he/she feels is necessary. The list is considered certified by the School's Chief Administrative Officer or his/her designee when he/she sends, or causes to be sent, the list to payroll for processing of the salary supplement payment under the SHiNE Program.

Salary Supplement Amount

All teachers at the School determined to be eligible teachers under this policy (i.e., all teachers on the certified list described above) shall receive a salary supplement under the SHiNE Program in an amount commensurate with the funds allocated to and received by the School under the SHiNE Program. Eligible teachers who are assigned 1.0 FTE in a high needs area shall receive the full salary supplement. Eligible teachers who are assigned less than 1.0 FTE in a high needs area shall receive a prorated salary supplement based on the percentage of their FTE in the high needs area.

The School may increase the amount of funds the School provides to eligible teachers if the School:

(a) first ensures proper distribution of funds the School receives under the SHiNE Program to the School's eligible teachers; and

(b) experiences a carry forward or leftover balance.

Appeals

If the School's Chief Administrative Officer or his/her designee determines that a teacher does not meet the definition of eligible teacher and therefore does not qualify for a salary supplement under the SHiNE Program, the teacher may appeal that decision in writing to the School's Board of Trustees (the "Board") if the teacher:

(a) believes he/she does meet the definition of eligible teacher under this policy; or

(b) has a teaching assignment at the School that is substantially equivalent to a high-needs area and otherwise meets the definition of eligible teacher under this policy.

When submitting an appeal, a teacher is required, at minimum, to provide transcripts and other documentation to the Board in order for the Board to determine if the teacher is an eligible teacher with a qualifying teaching background.

The Board shall make a decision on the appeal within thirty (30) school days.

Administrative Procedures

Each school year the Chief Administrative Officer shall establish, through administrative procedures, the salary supplement amount that each eligible teacher will receive for that school year.

Updating Policy

The School shall update this policy annually and provide notice of any changes to the policy to teachers within the School.

Original Adopted Date: 08/10/2021

Special Education Policies and Procedures Manual

LAST REVISED: 10.03.2025

RtI SLD Eligibility Method

USBE Approval: 08/10/2021
LEA Board Approval: 08/19/2021

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I. GENERAL PROVISIONS

I.A. PURPOSES (34 CFR § 300.1.; RULES I.A.)

The primary purposes of this local education agency (LEA) policies and procedures manual, consistent with Utah Code Annotated (UCA) 53E-7-2 and the Individuals with Disabilities Education Improvement Act (IDEA), Public Law 108-446, as amended; are:

1. To ensure that all students with disabilities ages 3 through 21 in Utah, including students with disabilities who have been suspended or expelled from school and students who have not graduated from high school with a regular high school diploma, have available to them a free appropriate public education (FAPE) that emphasizes special education and related services, as specified on an Individualized Education Program (IEP) designed to meet their unique needs and prepare them for further education, employment, and independent living;

2. To ensure that the rights of students with disabilities and their parent(s) are protected;

3. To ensure that State standards are implemented for the provision of a FAPE to students with disabilities, as defined in Utah State Board of Education Special Education Rules (Rules); and

4. To assess and ensure the effectiveness of efforts to educate students with disabilities.

I.B. DEFINITIONS (34 CFR § 300.4–300.45; RULES I.E.1–53.)

1. Lumen Scholar Institute has adopted applicable definitions as found in Rules I.E.1-53, [https://www.schools.utah.gov/file/0b19d648-9986-4629-8dd6-ba695707921c]

including the following additional definitions:

Asynchronous learning means communication exchanges which occur in elapsed time between two or more people. Examples include email, online discussion forums, message boards, blogs, podcasts, etc.

Blended course means a course that combines two models of instruction, online and face-to-face.

Blended learning means any time a student learns both at a supervised brick-and-mortar location away from home and through online delivery with some element of student control over time, place, path, and/or pace; often used synonymously with Hybrid Learning (Horn and Staker, 2011).

Brick-and-mortar schools means traditional schools or school buildings, as contrasted with an online school.

Online course means any course offered over the internet.

Online learning means education in which instruction and content are delivered primarily over the internet (Watson & Kalmon, 2005). The term does not include print-based correspondence education, broadcast television or radio, videocassettes, and stand-alone educational software programs that do not have a significant Internet-based instructional component (U.S. Department of Education Office of Planning, Evaluation, and Policy Development Policy and Program Studies Service, 2010). The term “online learning” is used interchangeably with virtual learning.

Online school means a formally constituted organization (public [traditional or charter], private, state, etc.) that offers full-time education delivered primarily over the internet. Statewide Online Education Program means courses offered to students under Title 53F, Chapter 4, Part 5, Statewide Online Education Program Act (R277-726-2(15)). The Statewide Online Education Program is created to enable an eligible student to earn high school graduation credit through the completion of publicly funded online courses (UCA 53F-4-502(1)).

Synchronous learning means online learning in which the participants interact at the same time and in the same space, as contrasted with asynchronous learning.

2. Lumen Scholar Institute (20 USC § 7221i; UCA 53G-5-404) means a public school that functions as an LEA unless it is a school of an LEA, that:

a. Is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

b. Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

c. Operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency, provides a program of elementary or secondary education, or both;

d. Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

e. Does not charge tuition;

f. Complies with the Age Discrimination Act of 1975, 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 Part B of the IDEA;

g. Is a school to which parent(s) choose to send their students, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

h. Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

i. Meets all applicable Federal, State, and local health and safety requirements;

j. Operates in accordance with State law; and

k. Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in Lumen Scholar Institutes pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the Lumen Scholar Institute.

I.C. FULL EDUCATIONAL OPPORTUNITY GOAL (34 CFR § 300.109; RULES IX.A.2.D.(2)(C))

Lumen Scholar Institute provides a free appropriate public education (FAPE) to all eligible students with disabilities in conformity with the requirements of the Rules and the IDEA. Lumen Scholar Institute hereby affirms the goal of providing a full educational opportunity to all students with disabilities determined eligible for special education and related services, of the ages served by Lumen Scholar Institute, in accordance with all of the timeline requirements of the IDEA.

Lumen Scholar Institute follows all necessary requirements in the development and delivery of an individualized education program (IEP) for eligible students. Placement in the least restrictive environment (LRE) will be implemented to the maximum extent appropriate for students with special needs. Lumen Scholar Institute provides a continuum of placements to address the needs of students with disabilities to ensure those students receive special education and related services appropriate to their needs.

I.D. METHODS OF ENSURING SERVICES (34 CFR § 300.154; RULES IX.A.2.D.(2)(M))

Lumen Scholar Institute ensures each eligible student with disabilities enrolled in the school receives the services included in the IEP through a systematic process of IEP internal file reviews and monitoring of service delivery by Lumen Scholar Institute personnel.

II. IDENTIFICATION, LOCATION, AND EVALUATION

II.A. CHILD FIND SYSTEM (34 CFR §§ 300.109, 300.111; RULES II.A.)

1. Lumen Scholar Institute, in accordance with the requirements of Part B of the IDEA and with the Rules, has developed policies and procedures to ensure that all students with disabilities residing within the jurisdiction of the LEA, including students with disabilities birth through 21 years of age, regardless of the severity of their disability, and who are in need of special

education and related services, are identified, located, and evaluated. These policies and procedures include a practical method for determining which students are currently receiving needed special education and related services and provide a process to reevaluate those who are found eligible within the three-year timeframe.

a. When a parent fills out the application for his child to attend Lumen Scholar Institute, there is a section on the application for the parent to indicate that the student currently has or previously had an IEP or 504. The SPED office coordinator then requests student records and follows up to ensure that student records are received in a timely manner.
b. Lumen Scholar Institute provides Child Find training to all of our teachers and staff about the referral process at our beginning-of-the-school-year professional development training. We also provide additional individual training as needed.
c. Lumen Scholar Institute uses a multi-tier instruction referral process. When a student reaches tier 3 which provides 80 to 100 minutes of scientifically based interventions, the student's progress is tracked for six to eight weeks. If he does not show typical progress during this time, the student will be referred for a special education evaluation.

2. The requirements of this section apply to:

a. Highly mobile students with disabilities (such as students who are migrant and homeless) (34 CFR § 300.111(c)(2); Rules II.A.2.a.).

b. Students who have been suspended or expelled from school (34 CFR § 300.101(a); Rules II.A.2.b.).

c. Students who have not graduated from high school with a regular high school diploma (34 CFR § 300.102(a)(3)(iii); Rules II.A.2.c.).

d. Students who are suspected of being a student with a disability under the IDEA and the Rules and who are in need of special education and related services, even though they are advancing from grade to grade (34 CFR § 300.111(c)(1)). The determination that a student is a "student with a disability" under the Rules must be made on an individual basis, by a team made up of the parent or adult student and school personnel determined by the student's LEA (Rules II.A.2.d.).

e. Students in State custody/care (Rules II.A.2.f.).

f. Students in nursing homes (Rules II.A.2.g.).

3. Lumen Scholar Institute is responsible for child find for students enrolled in its own school and has no responsibility for child find for private school students. Lumen Scholar Institute may not refer enrolled students to the local school district for child find (Rules II.A.3.).

4. Major components of the child find system include:

a. LEA implementation, coordination, and tracking of child find activities and students identified. (34 CFR § 300.131; Rules II.A.4.a.).

b. USBE staff provision of ongoing technical assistance to LEAs, private schools, and other State agencies in implementing the child find system (Rules II.A.4.b.).

c. Implementation of the statewide data collection system for reporting student information, including Federal student count (34 CFR §§ 300.132, 300.640–641). The collection and use

of data to meet the requirements of this section are subject to the confidentiality of information provisions under the Rules and R277-487.

II.B. REFERRAL (34 CFR § 300.301; RULES II.B.)

1. Consistent with the consent requirements in Rules II.C., either a parent or the adult student or an LEA may initiate a request for an initial evaluation to determine if a student is a student with a disability under Part B of the IDEA and the Rules. Upon receipt of a request for an evaluation, Lumen Scholar Institute must respond within a reasonable timeframe. The response may not be delayed due to Lumen Scholar Institute's Response to Intervention process.

a. The Skyward SMS will have a form available for parents to submit to request a referral. Parents will be informed of this option during the beginning-of-the-year orientation process.
b. Regular Ed teachers and special education teachers share a spreadsheet to document student interventions and instructional progress. If a parent or staff member requests an evaluation, we begin the process of collecting data immediately and determine with the team the timeline of further evaluation for eligibility depending on the need of the student as determined by the data reviewed. Referrals may be requested by parents or staff members using the Skyward Student Management System.
c. After data has been collected and reviewed, the SPED director meets with the parent and teacher to determine the timeline for further evaluation. If the LEA decides to not move forward with the evaluation, the student continues to receive support through the multi-tier support system and data will be reviewed in six to eight weeks.

2. Lumen Scholar Institute shall provide an initial special education assessment for students who enter the custody of the Division of Child and Family Services (DCFS) upon request by that division, and the LEA obtains appropriate parental consent for the evaluation for students whose school records indicate they may have disabilities requiring special education services.

II.C. PARENTAL CONSENT (34 CFR § 300.300; RULES II.C.)

1. Parental consent for initial evaluation.

a. When proposing to conduct an initial evaluation to determine if a student qualifies as a student with a disability under the Rules, Lumen Scholar Institute must, after providing prior written notice to the parent or adult student, obtain informed consent, consistent with Rules I.E.9., from the parent of the student or the adult student before conducting the evaluation.

(1) Parental or adult student consent for initial evaluation must not be construed as consent for initial provision of special education and related services.

(2) Lumen Scholar Institute must make reasonable efforts to obtain informed consent from the parent or adult student for an initial evaluation to determine whether the student is a student with a disability.

(3) When conducting psychological evaluations, Lumen Scholar Institute must implement the parental or adult student consent requirements of UCA 53E-9-203 (Student Privacy and Data Protection).

b. For initial evaluations only, if the student is a ward of the State and is not residing with the student's parent(s), Lumen Scholar Institute is not required to obtain informed consent from

the parent for an initial evaluation to determine whether the student is a student with a disability if:

(1) Despite reasonable efforts to do so, Lumen Scholar Institute cannot discover the whereabouts of the parent(s) of the student;

(2) The rights of the parent(s) of the student have been terminated in accordance with State law; or

(3) The rights of the parent(s) to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student.

c. If the parent(s) of a student or an adult student enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation, or fails to respond to a request to provide consent, Lumen Scholar Institute may, but is not required to, pursue the initial evaluation of the student by utilizing the procedural safeguards or the due process procedures in Section IV of the Rules.

(1) Lumen Scholar Institute does not violate its obligation under the child find provisions of the Rules if it declines to pursue the evaluation by utilizing the procedural safeguards or the due process procedures.

2. Parental consent for services.

a. Lumen Scholar Institute is responsible for making a FAPE available to a student with a disability and must obtain informed consent from the parent(s) of the student or adult student before the initial provision of special education and related services to the student.

b. Lumen Scholar Institute must make reasonable efforts to obtain informed consent from the parent(s) or adult student for the initial provision of special education and related services to the eligible student with disabilities.

c. If the parent(s) of a student or adult student fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, Lumen Scholar Institute:

(1) May not use the procedures in Section IV of the Rules, including the mediation procedures or the due process procedures, in order to obtain agreement or a ruling that the services may be provided to the student;

(2) Will not be considered to be in violation of the requirement to make available a FAPE to the student for the failure to provide the student with the special education and related services for which Lumen Scholar Institute requests consent; and

(3) Is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which Lumen Scholar Institute requests such consent.

d. If, at any time subsequent to the initial provision of special education and related services, the parent(s) of a student or adult student revokes consent in writing for the continued provision of special education and related services, Lumen Scholar Institute:

(1) May not continue to provide special education and related services to the student but must provide prior written notice in accordance with Rules IV.D. before ceasing the provision of special education and related services;

(2) May not use the procedures in Rules IV., including the mediation procedures or the due process procedures, in order to obtain agreement or a ruling that the services may be provided to the student;

(3) Will not be considered to be in violation of the requirement to make available a FAPE to the student for the failure to provide the student with the special education and related services for which Lumen Scholar Institute requests consent; and

(4) Is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which Lumen Scholar Institute requests such consent (34 CFR § 300.300; Rules II.C.2.d.(4)).

3. Parental consent for reevaluations.

a. Lumen Scholar Institute must obtain informed parental or adult student consent prior to conducting any reevaluation of a student with a disability.

b. If the parent or adult student refuses to consent to the reevaluation, Lumen Scholar Institute may, but is not required to, pursue the reevaluation by using the dispute resolution procedures provided in the procedural safeguards, and including mediation or due process procedures.

c. Lumen Scholar Institute does not violate its obligation under child find if it declines to pursue the reevaluation.

d. The informed parental or adult student consent need not be obtained if Lumen Scholar Institute can demonstrate that:

(1) It made reasonable efforts to obtain such consent; and

(2) The student's parent or the adult student has failed to respond.

4. Other consent requirements.

a. Parental or adult student consent is not required before:

(1) Reviewing existing data as part of an evaluation or a reevaluation; or

(2) Administering a test or other evaluation that is administered to all students unless consent is required for all students before administration of that test or evaluation.

b. Lumen Scholar Institute may not use a parent's or adult student’s refusal to consent to one service or activity under Rules II.C.1., II.C.2., or II.C.3., to deny the parent or student any other service, benefit, or activity of Lumen Scholar Institute, except as required by this part.

c. To meet the reasonable efforts requirement in Rules II.C.1.a.2., II.C.1.b.1., II.C.2.b., and II.C.3.d.1., Lumen Scholar Institute must document its attempts to obtain parental or adult student consent using the procedures in Rules III.G.3.

d. Unless parent(s) or the adult student revoke consent for special education and related services or refuse consent for initial placement, disagreements regarding the provision of IEP services should be resolved by the IEP Team and result in a completed IEP which includes all components necessary for the provision of a FAPE.

II.D. INITIAL EVALUATION (34 CFR § 300.301; RULES II.D.)

1. Lumen Scholar Institute must conduct a full and individual initial evaluation to determine whether a student is a "student with a disability" under Part B of the IDEA and the Rules, and to determine the educational needs of the student.

2. The initial evaluation:

a. Must be conducted within 45 school days of receiving parental or adult student consent for the evaluation, unless:

(1) The initial evaluation is requested by the Division of Child and Family Services (DCFS) and Lumen Scholar Institute obtains appropriate consent for the evaluation, in which case Lumen Scholar Institute shall provide an initial special education evaluation to an individual who enters DCFS custody if DCFS suspects the individual may be an eligible student within 30 days after the day on which DCFS makes the request (53E-7-207).

(a) Lumen Scholar Institute may refuse to conduct an evaluation described in II.D.2.a.(1) if Lumen Scholar Institute reviews the relevant data regarding the individual and, within 10 days after the day on which Lumen Scholar Institute received the request described in II.D.2.a.(1), gives the DCFS prior written notice of refusal to evaluate.

b. Must consist of procedures to determine:

(1) If the student is a student with a disability; and

(2) The educational needs of the student.

3. The time frame shall not apply to Lumen Scholar Institute if:

a. The parent of a student repeatedly fails or refuses to produce the student for the evaluation; or

b. The adult student repeatedly fails or refuses to participate in evaluation activities; or

c. A student enrolls in Lumen Scholar Institute after the relevant timeframe has begun, and prior to a determination by the student's previous LEA as to whether the student is a student with a disability.

d. The exception in Rule II.D.3.c. applies only if Lumen Scholar Institute is making sufficient progress to ensure a prompt completion of the evaluation, and the parent or adult student and Lumen Scholar Institute agree to a specific time when the evaluation will be completed.

II.E. SCREENING FOR INSTRUCTIONAL PURPOSES (34 CFR § 300.302; RULES II.E.)

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. Results of screenings should be considered by Lumen Scholar Institute for child find purposes.

II.F. EVALUATION PROCEDURES (34 CFR § 300.304; RULES II.F.)

Lumen Scholar Institute has established and implemented the following procedures that meet the evaluation requirements of Part B of the IDEA and the Rules as follows:

1. In conducting the evaluation, Lumen Scholar Institute must:

a. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by a parent or adult student, that may assist in determining:

(1) Whether the student is a student with a disability; and

(2) The content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education;

b. Not use any single procedure as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student; and

c. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. Lumen Scholar Institute must consider the publication date and continued validity of assessments in use when new editions are published.

2. Lumen Scholar Institute must ensure that assessments and other evaluation materials used to assess a student:

a. Are selected and administered so as not to be discriminatory on a racial or cultural basis;

b. Are provided and administered in the student's native language or other mode of communication, and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;

c. Are selected to assess the specific areas of concern identified by the assessment/evaluation team, including the parent(s) or adult student;

d. Are used for the purposes for which the assessments or measures are valid and reliable;

e. Are selected and administered by trained and knowledgeable personnel based upon the specific assessment's requirements; and

f. Are administered and interpreted in accordance with any instructions and administrator requirements provided by the producer of the assessments and the Standards for Educational and Psychological Testing (AERA, APA, NCME, 2014).

3. Lumen Scholar Institute must ensure and document that all evaluators meet the assessment publishers' administrator/interpreter/user requirements, (e.g., appropriate degree, higher education coursework in tests and measures, and supervised clinical experiences/practica).

4. Lumen Scholar Institute shall provide documentation to USBE staff upon request.

5. Lumen Scholar Institute must ensure that:

a. Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

b. Assessments are selected and administered so as best to ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

c. The administration of psychological testing and the evaluation or assessment of personal characteristics, such as intelligence (e.g., cognitive, IQ), personality, abilities, interests, aptitudes, and neuropsychological functioning are only administered and interpreted by personnel who have been trained and fully meet the administrator/interpreter/user qualifications of the test publisher (e.g., appropriate degree, higher education coursework in tests and measures, and supervised clinical experiences/practica).

d. The student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

e. Assessments of students with disabilities who transfer from another LEA to Lumen Scholar Institute in the same school year are coordinated with those students' prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

f. In evaluating each student with a disability, the evaluation is sufficiently comprehensive to identify all the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified.

g. Assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the student.

6. The Utah Schools for the Deaf and the Blind (USDB) is available to LEAs for assessments of students with visual impairment and hearing loss, as well as professional learning on appropriate administration of assessments, and procedures to ensure appropriate interpretation of assessments (R277-800-7). The Utah Department of Health shall provide diagnostic and evaluation services, which are required by State or Federal law but are not typically otherwise provided by school districts and Lumen Scholar Institutes, to students with disabilities.

II.G. REEVALUATION PROCEDURES (34 CFR § 300.303; RULES II.G.)

1. Lumen Scholar Institute must ensure that a reevaluation of each student with a disability is conducted:

a. If Lumen Scholar Institute determines the educational or related services needs, including improved academic achievement and functional performance, of the student warrant a reevaluation; or

b. If the student's parents or adult student or teacher requests a reevaluation.

2. A reevaluation:

a. May occur not more than once a year, unless the parent(s) or adult student and Lumen Scholar Institute agree otherwise; and

b. Must occur at least once every three years, unless the parent(s) or adult student and Lumen Scholar Institute agree that a reevaluation is unnecessary as there are data available to continue eligibility and determine the educational needs of the student. When the parent(s) or adult student and LEA agree that a reevaluation is unnecessary, the team must document data reviewed and used in an evaluation report and complete an eligibility determination.

c. Embrace IEP (the computer software program) generates reminders, and the SPED office coordinator publishes a spreadsheet available at the beginning of each school year to advise SPED teachers of upcoming three year re-evaluations as well as annual reviews.

II.H. ADDITIONAL REQUIREMENTS FOR INITIAL EVALUATIONS AND REEVALUATION PROCEDURES (34 CFR § 300.305; RULES II.H.)

1. As part of any initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must:

a. Review existing evaluation data on the student, including:

b. Evaluations and information provided by the parent(s) of the student or the adult student;

c. Current classroom-based, local, or State assessments, and classroom-based observations; and

d. Observations by teachers and related services providers; and

e. On the basis of that review, and input from the student's parent(s) or the adult student, identify what additional data, if any, are needed to determine:

(1) Whether the student is a student with a disability and the educational needs of the student; or, in the case of a reevaluation of a student, whether the student continues to have such a disability, and the educational needs of the student;

(2) The present levels of academic achievement and related developmental needs of the student;

(3) Whether the student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services; and

(4) Whether any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP of the student and to participate, as appropriate, in the general education curriculum.

2. The IEP Team and other qualified professionals, as appropriate, may conduct its review of existing data without a meeting.

3. Lumen Scholar Institute must administer such assessments and other evaluation measures as may be needed to produce the data needed to determine continuing eligibility.

4. If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the student continues to be a student with a disability and to determine the student's educational needs, Lumen Scholar Institute must notify the student's parent(s) or adult student of:

a. That determination and the reason(s) for the determination; and

b. The right of the parent(s) or adult student to request an assessment to determine whether the student continues to be a student with a disability, and to determine the student's educational needs.

5. Lumen Scholar Institute is not required to conduct the assessment for reevaluation described in Rules II.H.4.b. unless requested to do so by the student's parent(s) or the adult student.

6. Evaluations before change in eligibility.

a. Lumen Scholar Institute must evaluate a student with a disability before determining that the student is no longer a student with a disability.

b. The evaluation is not required before the termination of a student's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a FAPE under State law (i.e., age 22).

For a student whose eligibility terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under State law, Lumen Scholar Institute must provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals.

II.I. DETERMINATION OF ELIGIBILITY (34 CFR § 300.306; RULES II.I.)

1. Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parents of the student or the adult student determine eligibility under Part B of the IDEA and the Rules, including:

a. Whether that student is a student with a disability, and

b. The educational needs of the student.

2. Lumen Scholar Institute shall provide the parent(s) or adult student with a copy of the evaluation report and the documentation of determination of eligibility.

3. A student must not be determined to be a student with a disability:

a. If the determinant factor for that determination is:

(1) Lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency);

(2) Lack of appropriate instruction in mathematics; or

(3) Limited English proficiency; and

(4) If the student does not otherwise meet the eligibility criteria.

4. Procedures for determining eligibility and educational need.

a. In interpreting evaluation data for the purpose of determining if a student is a student with a disability and the educational needs of the student, Lumen Scholar Institute must:

(1) Draw upon information from a variety of sources, such as aptitude and achievement tests, parent or adult student input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

(2) Ensure information obtained from all these sources is documented and carefully considered.

b. If a determination is made that a student has a disability and needs special education and related services, an IEP must be developed for the student within 30 calendar days.

II.J. CATEGORICAL DEFINITIONS, CRITERIA, AND ASSESSMENTS (34 CFR § 300.8; RULES II.J.)

Lumen Scholar Institute has adopted the criteria and evaluation procedures, by category, for determining eligibility for a student with disabilities under Part B of the IDEA and the Rules II.J.1-13. Including:

1. Specific Learning Disabilities (Rules II.J.10.).

a. Definition (34 CFR § 300.8(C)(10); Rules II.J.10.a.).

Specific Learning Disabilities means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, that affects a student's educational performance.

Specific learning disabilities does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

b. Procedures for Identifying Students with Specific Learning Disabilities (34 CFR § 300.307; Rules II.J.10.b.)

(1) Lumen Scholar Institute has adopted the following method for determining a student's eligibility under the specific learning disability category:

(a) A process based on the student's response to scientific, research-based intervention called the Response to Intervention (RtI) method which shows the student does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in Rule II.J.10.b.(3)(a) (the team must refer to the *USBE Specific Learning Disability Eligibility Guidelines* when using this method).

(2) Additional team members (34 CFR § 300.308; Rules II.J.10.b.2.)

The determination of whether a student suspected of having a specific learning disability is a student with a disability must be made by the student's parent(s) or adult student and a team of qualified professionals, which must include:

(a) The student's regular teacher; or

(b) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his/her age; or

(c) For a student of less than school age; an individual qualified by the USBE to teach a student of his/her age; and

(d) At least one person qualified to conduct individual diagnostic examinations of students and interpret the results of those assessments (as per the publisher's assessment administration criteria), such as a school psychologist, speech-language pathologist, reading teacher or reading specialist, or special education teacher.

(3) Determining the existence of a specific learning disability (34 CFR § 300.309; Rules II.J.10.b.3.)

The team described may determine that a student has a specific learning disability if:

(a) The student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards:

(i) Oral expression;

(ii) Listening comprehension;

(iii) Written expression;

(iv) Basic reading skills;

(v) Reading fluency skills;

(vi) Reading comprehension;

(vii) Mathematics calculation;

(viii) Mathematics problem solving.

(b) The group determines that its findings are not primarily the result of:

(i) A visual, hearing, or motor disability;

(ii) Intellectual disability;

(iii) Emotional disturbance;

(iv) Cultural factors;

(v) Environmental or economic disadvantage; or

(vi) Limited English proficiency.

(4) The specific learning disability must adversely affect the student's educational performance.

(5) The student with the specific learning disability must need special education and related services (34 CFR § 300.8(a); Rules II.J.10.b.5.)

(6) The team must determine that the specific learning disability is the student's primary disability.

c. Evaluation (34 CFR § 300.309(b)–(c); Rules II.J.10.c.)

(1) An evaluation must include a variety of assessment tools and strategies and cannot rely on any single procedure as the sole criterion.

(2) To ensure underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation:

(a) Data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

(b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parent(s) or the adult student.

(3) Lumen Scholar Institute must promptly request parental consent or consent of the adult student to evaluate the student to determine if the student needs special education and related services, and must adhere to the 45-school-day evaluation timeframe, unless extended by mutual written agreement of the student's parent(s) or adult student and a group of qualified professionals:

(a) If, prior to a referral, a student has not made adequate progress after an appropriate period of time as determined by Lumen Scholar Institute when provided appropriate instruction, and

(b) Whenever a student is referred for an evaluation.

(4) Observation (34 CFR § 300.310(a)–(c); Rules II.J.10.b.4.)

Lumen Scholar Institute must ensure the student is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of concern.

(a) The team must decide to:

(i) Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or

(ii) Have at least one member of the team conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent or consent of the adult student is obtained.

(b) If the student is a home-schooled student, Lumen Scholar Institute may determine how to conduct the observation and who will conduct it.

(c) In the case of a student of less than school age or who is out of school, a group member must observe the student in an environment appropriate for a student of that age.

(5) Specific documentation for the eligibility determination (34 CFR § 300.311; Rules II.J.10.b.5.)

The team's documentation of the determination of eligibility with a specific learning disability must contain a statement of:

(a) Whether the student has a specific learning disability;

(b) The basis for making the determination;

(c) The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;

(d) The educationally relevant medical findings, if any; and

(e) Whether the student meets the criteria below.

(f) RtI. Does not make sufficient progress to meet State-approved age- or grade-level standards when using a process based on the student's response to scientific evidence-based interventions.

(i) Lumen Scholar Institute has a process that assesses a student's response to scientific, research-based intervention as part of determining if the student has a specific learning disability. This process must include:

(ii) High quality research-based instruction delivered by qualified staff in the general education setting; and

(iii) Assessment of student performance that specifically includes universal screening and progress-monitoring; and

(iv) Multiple tiers of evidence-based interventions to address individual student difficulties; and

(v) Documentation of systematic and regular parent, adult student, and/or family involvement and communication as well as notification about:

(A) The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided (the team must refer to the USBE Specific Learning Disability Eligibility Guidelines when using this method);

(B) Strategies for increasing the student's rate of learning; and

(C) The parent's(s') or the adult student's right to request an evaluation; and

(vi) System supports (e.g., leadership, problem-solving, data management systems, coaching and collaboration, professional learning, and measures of fidelity) in place to ensure effective implementation; or

(vii) The instructional strategies used and the student-centered data collected.

(6) The determination of the team concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level;

(7) The requirements of Rules II.D.–H. must be met.

(8) Each team member must certify in writing whether the report reflects the member's conclusion (34 CFR § 300.311(b)). If it does not reflect the member's conclusion, the team member must submit a separate statement presenting the member's conclusions.

III. IEP DEVELOPMENT AND SERVICE DELIVERY (RULES III.)

III.A. INDIVIDUALIZED EDUCATION PROGRAM (RULES III.A.)

Lumen Scholar Institute implements the following policies and procedures to address the IEP requirements of Rules III.A-T, including the least restrictive environment (LRE) requirements, consistent with Part B of the IDEA and the Rules, as well as R277-750, R277-800, and the USBE/USDB Interagency Agreement.

III.B. WHEN IEPS MUST BE IN EFFECT (34 CFR § 300.323; RULES III.B.)

1. At the beginning of each school year, Lumen Scholar Institute must have an IEP in effect for each student with a disability within its jurisdiction.

2. Lumen Scholar Institute must ensure that:

a. A meeting to develop an IEP for a student is conducted within 30 calendar days of a determination that the student needs special education and related services; and

b. As soon as possible following development of the IEP, special education and related services are made available to the student in accordance with the student's IEP.

3. Lumen Scholar Institute must ensure the student's IEP is:

a. Accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation; and

b. Each teacher and provider is informed of:

(1) His/her specific responsibilities related to implementing the student's IEP; and

(2) The specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.

4. Documentation of IEP implementation shall be provided to USBE upon request.

Services for incoming students with disabilities begin immediately upon transfer to the school according to the current IEP until our IEP team meets to update and rewrite the IEP for our LEA as soon as possible. When a new IEP is adopted, the SPED teacher will meet with the teachers (and student if appropriate) to outline responsibilities and accommodations.

III.C. TRANSFER STUDENTS (34 CFR § 300.323; RULES III.C.)

1. Transfers within Utah.

a. In the case of a student with a disability with a current IEP who transfers from one LEA to another within the State within the same school year and enrolls in a new school, Lumen Scholar Institute, in consultation with the parent(s) or adult student, must provide a FAPE to the student, including services comparable to those described in the previously held IEP, until such time as Lumen Scholar Institute:

(1) Adopts the previously held IEP, or

(2) Develops, adopts, and implements a new IEP that is consistent with Federal regulations and the Rules.

b. The requirements of 34 CFR § 300.323 also apply for students transferring from an LEA placement to a local juvenile or adult correctional facility or temporary State placement for observation and assessment.

2. Transfers from out of State.

a. In the case of a student with a disability with a current IEP who transfers LEAs within the same school year, who enrolls in a new school, and who has an IEP that was in effect in another State, Lumen Scholar Institute, in consultation with the parent(s) or adult student, must provide the student with a FAPE, including services comparable to those described in the previously held IEP, until Lumen Scholar Institute:

(1) Conducts an evaluation, if determined to be necessary by Lumen Scholar Institute; and

(2) Develops a new IEP, if appropriate, that is consistent with Federal and State law.

b. The evaluation for eligibility that may be conducted by Lumen Scholar Institute is considered an initial evaluation, not a reevaluation (71 FR 4668-82).

3. To facilitate the transition for a student described above:

a. Lumen Scholar Institute must take reasonable steps to promptly obtain the student's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous LEA in which the student was enrolled; and

b. The previous LEA in which the student was enrolled must take reasonable steps to promptly respond to the request from Lumen Scholar Institute.

c. Lumen Scholar Institute must keep a copy of the records for three years after the transfer.

No matter when the student transfers in, services are set up immediately until a new IEP can be developed. The SPED office coordinator receives records and documents and places them in the student's SPED file. The SPED office coordinator infors the teachers that the IEP is available to review.

III.D. LEA RESPONSIBILITY FOR IEP MEETINGS (34 CFR § 300.323(C)(1)); RULES III.D.)

1. Lumen Scholar Institute is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a student with a disability ages 3 through 21, consistent with the Rules.

2. A meeting to develop an IEP for an eligible student must be conducted within 30 calendar days of a determination that a student needs special education and related services.

III.E. IEP TEAM MEMBERSHIP (34 CFR § 300.321; RULES III.E.)

Lumen Scholar Institute must ensure the IEP Team for each student with a disability includes:

1. The parent(s) of the student or the adult student;

2. Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);

3. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;

4. A representative of Lumen Scholar Institute who:

a. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;

b. Is knowledgeable about the general education curriculum; and

c. Is knowledgeable about the availability of resources of Lumen Scholar Institute.

d. Lumen Scholar Institute may designate a Lumen Scholar Institute member of the IEP Team to also serve as Lumen Scholar Institute representative, if the above criteria are satisfied.

5. A representative of USDB and the LEA of residence when the student's placement is at USDB, when the IEP Team is considering placement at USDB, or when the student receives 180 minutes or more of special education and/or related services from USDB.

6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in this section;

7. At the discretion of the parent(s) or adult student or Lumen Scholar Institute, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate; and

8. Whenever appropriate, the student with a disability.

9. The determination of knowledge or special expertise of any individual described in Rule III.E.6. above must be made by the party (parent(s) or adult student or Lumen Scholar Institute) who invited the individual to be a member of the IEP Team.

10. If a purpose of the IEP Team meeting is consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals, Lumen Scholar Institute must invite the student with a disability to attend the student's IEP meeting. If

the student does not attend the IEP meeting, Lumen Scholar Institute must take other steps to ensure the student's preferences and interests are considered.

11. To the extent appropriate, with the written consent of the parent(s) or adult student, Lumen Scholar Institute must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.Signatures on an IEP denote participation of IEP Team members in the development of the IEP.

III.F. IEP TEAM ATTENDANCE (34 CFR § 300.321; RULES III.F.)

1. A required member of the IEP Team is not required to attend a particular IEP Team meeting, in whole or in part, if the parent(s) of a student with a disability or adult student and Lumen Scholar Institute agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

2. A required member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:

3. The parent(s) or adult student, in writing, and Lumen Scholar Institute consent to the excusal; andThe member submits, in writing, to the parent(s) or adult student and the IEP Team, input into the development of the IEP prior to the meeting.

III.G. PARENT PARTICIPATION (34 CFR § 300.322; RULES III.G.)

1. Lumen Scholar Institute must take steps to ensure that one or both of the parents of a student with a disability or the adult student are present at each IEP meeting or are afforded the opportunity to participate, including:

   a. Notifying parent(s) or adult student of the meeting early enough to ensure they will have an opportunity to attend; and

   b. Scheduling the meeting at a mutually agreed-on time and place.

2. If the parent(s) or adult student cannot attend, Lumen Scholar Institute must use other methods to ensure participation of the parent(s) or the adult student, including individual or conference telephone calls. The parent(s) of a student with a disability or the adult student and Lumen Scholar Institute may agree to use alternative means of meeting participation, such as video conferences and conference calls (34 CFR § 300.328).

3. A meeting may be conducted without a parent or the adult student in attendance if Lumen Scholar Institute is unable to convince the parent(s) or the adult student they should attend. In this case, Lumen Scholar Institute must keep a record of its attempts to arrange a mutually agreed-on time and place, such as:

a. Detailed records of telephone calls made or attempted and the results of those calls;

b. Copies of correspondence sent to the parent(s) or adult student and any responses received; and

c. Detailed records of visits made to the parent's(s') or adult student's home or place of employment and the results of those visits.

4. Lumen Scholar Institute must take whatever action is necessary to ensure the parent(s) or adult student understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parent(s) or adult student with deafness or whose native language is other than English.

a. Under UCA 35A-13-604, an individual is required to be certified as an interpreter if that individual provides interpreter services for deaf and hard of hearing individuals.

b. An individual providing interpreting services other than those for deaf and hard of hearing individuals shall be trained.

5. The parent(s) of a student with a disability or adult student are participants along with school personnel in developing, reviewing, and revising the IEP for their student. This is an active role in which the parent(s) or adult student:

a. Provide critical information regarding the strengths of the student and express their concerns for enhancing the education of the student;

b. Participate in the discussion of the student's need for special education and related services, and supplementary aids and services; and

c. Join with other participants in deciding how the student will be involved and progress in the general curriculum, how the student will participate in State- and LEA-wide assessments, and what services Lumen Scholar Institute will provide to the student and in what setting.

d. Are valued members of the IEP team and are encouraged to participate in

person or via video conferencing. They are welcome to request a meeting with the IEP team at any time.

III.H. NOTICE OF MEETING (34 CFR § 300.322; RULES III.H.)

1. The notice of meeting required to be provided to the parent(s) or adult student must:

a. Indicate the purpose, time, and location of the meeting and who will be in attendance; and

b. Inform the parent(s) or adult student of the provision for participation of other individuals who have knowledge or special expertise about the student on the IEP Team.

2. For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP Team, the IEP notice of meeting also must:

a. Indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student; and

b. Indicate that Lumen Scholar Institute will invite the student; and

c. Identify any other agency that will be invited, with parental or adult student consent, to send a representative. When conducting IEP Team meetings and placement meetings and carrying out administrative matters, the parent(s) of a student with a disability or adult student and Lumen Scholar Institute may agree to use alternative means of meeting participation such as video conferences and conference calls (34 CFR § 300.328).

III.I. DEVELOPMENT, REVIEW, AND REVISION OF THE IEP (34 CFR § 300.324; RULES III.I.)

1. Development, review, and revision of the IEP.

a. In developing each student's IEP, the IEP Team must consider:

(1) The strengths of the student;

(2) The concerns of the parent(s) or adult student for enhancing the education of the student;

(3) The results of the initial or most recent evaluation of the student, and

(4) The academic, developmental, and functional needs of the student.

b. The IEP Team, in conducting a meeting to develop, review and, if appropriate, revise a student's IEP, must consider the following special factors:

(1) In the case of a student with limited English proficiency (LEP), consider the language needs of the student as those needs relate to the student's IEP;

(2) In the case of a student who is blind or visually impaired, provide for instruction in braille and the use of braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in braille or the use of braille), that instruction in braille or the use of braille is not appropriate for the student;

(a) Prior to determining whether a blind student should use braille as the primary reading mode, the student's IEP Team must be provided (through pertinent literature or discussions with competent braille users and educators, or both) with detailed information about the use and efficiency of braille as a reading medium, in order to make an informed choice as to the student's primary reading.

(3) Consider the communication needs of the student and, in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode;

(4) Consider whether the student needs assistive technology devices and services in school and on a case-by-case basis, in a student's home or other setting; and

(5) In the case of a student whose behavior impedes the student's learning or that of others, consider the use of positive behavior interventions and supports, and other strategies, to address that behavior.

(a) When making decisions on behavior interventions, the IEP Team must refer to the USBE Least Restrictive Behavior Interventions (LRBI) Technical Assistance (TA) Manual for information on research-based intervention procedures.

(i) Emergency safety interventions may only be included in an IEP as a planned intervention when the IEP Team agrees that less restrictive means which meet circumstances in R277-608 have been attempted, a functional behavior assessment (FBA) has been conducted, and a positive behavior intervention plan based on data analysis has been developed and implemented (R277-609).

(b) The purpose of the LRBI TA Manual related to the use of positive behavior supports and behavior interventions in schools is to:

(i) Protect the safety and well-being of all students;

(ii) Provide protection for students, teachers, other school personnel, and LEAs; and

(iii) Ensure parent(s) or adult students are involved in the consideration and selection of behavior interventions to be used.

(c) When an emergency situation occurs that requires the immediate use of an emergency safety intervention to protect the student or others from harm, the staff shall comply with requirements in R277-609 with regards to time limitations and parental or adult student notification.

(d) As appropriate, the student should receive a FBA and behavior intervention services and modifications that are designed to address the behavior (34 CFR § 300.530(d)(1)(ii)).

c. If, in considering the special factors described above, the IEP Team determines a student needs a particular device or services for educational purposes (including an intervention, accommodation, or other program modification) in order for the student to receive a FAPE, the IEP Team must include a statement to that effect in the student's IEP.

d. A regular education teacher of a student with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the student, including the determination of:

(1) Appropriate positive behavior interventions and supports and other strategies for the student; and

(2) Supplementary aids and services, program modifications, and support for school personnel consistent with the IEP.

2. Changes to the IEP.

a. In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent(s) of a student with a disability or adult student and Lumen Scholar Institute may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP.

b. Upon request, the parent(s) or adult student must be provided with a revised copy of the IEP with the amendments incorporated.

c. If changes are made to the student's IEP through the amendment process, Lumen Scholar Institute must ensure the student's IEP Team is informed of those changes.

3. To the extent possible, Lumen Scholar Institute must encourage the consolidation of reevaluation meetings and other IEP Team meetings for the student (34 CFR § 300.324(a)(5)).

4. Review and revision of the IEP.

Lumen Scholar Institute must ensure the IEP Team:

a. Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and

b. Revises the IEP, as appropriate, to address:

(1) Any lack of expected progress toward the annual goals in the IEP and in the general education curriculum, if appropriate;

(2) The results of any reevaluation;

(3) Information about the student provided to, or by, the parent(s) or adult student;

(4) The student's anticipated needs; or

(5) Other matters.

c. In conducting a review of the student's IEP, the IEP Team must consider the special factors in Rules III.I.1.b.

d. A regular education teacher of the student, as a member of the IEP Team, must participate in the review and revision of the IEP of the student, if the student is or may be participating in the general education classroom.

e. If a participating agency, other than Lumen Scholar Institute, fails to provide the transition services described in the IEP, Lumen Scholar Institute must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP. Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

III.J. DEFINITION OF THE INDIVIDUALIZED EDUCATION PROGRAM (34 CFR § 300.320; RULES III.J.)

1. The term individualized education program (IEP) means a written statement for each student with a disability that is developed, reviewed, and revised in a meeting.

2. The IEP must include:

a. A statement of the student's present levels of academic achievement and functional performance (PLAAFP), including:

(1) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same grade-level curriculum as for non-disabled students); or

(2) For students who are blind, the results obtained from a braille-related or braille skills assessment;

b. A statement of measurable annual goals, including academic and functional goals designed to:

(1) Meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the grade-level general education curriculum; and

(2) Meet each of the student's other educational needs that result from the student's disability;

c. For eligible students with significant cognitive disabilities who will participate in grade-level alternate achievement standards (i.e., Essential Elements):

(1) Notification to the parent(s) or adult student that the student's academic achievement will be measured through an assessment of the grade-level Utah alternate achievement standards and how participation in such alternate achievement assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma; and

(2) A description of benchmarks or short-term objectives for each annual goal;

d. A description of:

(1) How the student's progress toward meeting the annual IEP goals will be measured; and

(2) When periodic reports to the parent(s) or adult student on the progress the student is making toward meeting the annual IEP goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

e. A statement of the special education and related services and supplementary aids and services (including assistive technology), based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

(1) To advance appropriately toward attaining the annual goals;

(2) To be involved in and make progress in the grade-level general education curriculum, and to participate in extracurricular and other nonacademic activities; and

(3) To be educated and participate with other similar-aged students with disabilities and non-disabled students in the activities described in this section;

f. An explanation of the extent, if any, to which the student will not participate with similar-aged non-disabled students in the regular education environment and in the activities described in this section;

g. A statement of:

(1) Any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on all grade-level State- and LEA-wide assessments; and

(2) If the IEP Team determines the student must take an alternate assessment instead of a particular regular State- or LEA-wide assessment of student achievement, a statement of why:

(a) The student cannot participate in the regular assessment; and

(b) The particular alternate assessment selected is appropriate for the student; and

h. All students, including students with disabilities, participate in statewide assessments. Lumen Scholar Institute reports the results of statewide assessments on the website. If more than one percent of students with significant cognitive disabilities participate in an alternate assessment, Lumen Scholar Institute will submit justification to the USBE on the need to exceed the cap.

i. The projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications.

j. A statement of school to post-school transition services.

For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:

(1) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills; and

(2) The transition services (including courses of study) needed to assist the student in reaching those goals.

k. Transfer of rights at age of majority.

Beginning not later than one year before the student reaches the age of majority (age 18 in Utah), the IEP must include a statement that the student has been informed of the student's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority. The transfer of rights also occurs upon notification to Lumen Scholar Institute that a student has married or become emancipated before age 18.

l. Nothing in this section shall be construed to require that additional information be included in a student's IEP beyond what is explicitly required in Section 614 of Part B of the IDEA, or require the IEP Team to include information under one component of a student's IEP that is already contained under another component of the student's IEP. IEP Teams should discuss and address, if appropriate, student participation in not only the grade-level Utah Core Standards, but other general education activities and courses (e.g., health and maturation, suicide prevention), as well as the Statewide Online Education Program (SOEP) or other online, distance, blended, or competency-based courses, as well as courses taken through Career and Technical Education (CTE) programs and concurrent enrollment. Students with disabilities may require special education and related services and accommodations for equitable participation, in conjunction with Part B of the IDEA, the Rules, R277-418, R277-713, and R277-726.

III.K. PHYSICAL EDUCATION (34 CFR § 300.108; RULES III.L.)

1. Physical education services, specially designed if necessary, are made available to every student with a disability receiving a FAPE,

2. Each student with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled students unless:

a. The student is enrolled full time in a separate facility; or

b. The student needs specially designed physical education, as prescribed in the student's IEP.

3. Lumen Scholar Institute is responsible for specially designed physical education (e.g., adapted PE) if it is prescribed in a student's IEP, by providing the services directly or by making arrangements for those services to be provided through other public or private programs.

4. Lumen Scholar Institute is responsible for the education of a student with a disability who is enrolled in a separate facility and must ensure the student receives appropriate physical education services.

III.L. ASSISTIVE TECHNOLOGY (34 CFR § 300.105; R277-495; RULES III.M.)

1. Lumen Scholar Institute must ensure assistive technology devices or assistive technology services, or both, are made available to a student with a disability if required as a part of the student's:

a. Special education,

b. Related services, or

c. Supplementary aids and services.

2. On a case-by-case basis, the use of school-purchased assistive technology devices in a student's home or in other settings is required if the student's IEP Team determines the student needs access to those devices in order to receive a FAPE.

III.M. EXTENDED SCHOOL YEAR (ESY) SERVICES (34 CFR § 300.106; R277-751; RULES III.N.)

1. Extended school year services mean special education and related services that:

a. Are provided to an eligible student with a disability:

(1) Beyond the normal school year of Lumen Scholar Institute;

(2) In accordance with the student's IEP; and

(3) At no cost to the parent(s) of the student or adult student; and

b. Meet the standards of the USBE in R277-751.

2. Lumen Scholar Institute shall ensure:

a. ESY services are available as necessary to provide a FAPE, consistent with the Rules and considered for each individual student with a disability during an IEP, based upon a review of multiple data sources and factors.

b. ESY student programs are provided in the least restrictive environment.

c. ESY teachers and paraeducators meet USBE and IDEA requirements.

3. ESY services must be provided only if a student's IEP Team determines, on an individual basis, the services are necessary for the provision of a FAPE to the student. The annual IEP shall reflect the IEP Team's decision regarding the need for ESY services.

a. Parent(s) or the adult student shall be provided with prior written notice of proposal or refusal to provide ESY services.

b. If the student is determined eligible for ESY services, the IEP Team shall determine the appropriate ESY program, based on the student's individual needs.

c. ESY eligibility decisions and prior written notice of ESY programs shall be provided to parent(s) or adult student in sufficient time to permit accessing dispute resolution options of the procedural safeguards, in the event of a dispute.

4. In implementing the requirements of this section, Lumen Scholar Institute may not:

a. Limit ESY services to particular categories of disability, age, or grade level;

b. Unilaterally limit the type, amount, or duration of those services; or Limit data consideration by IEP Teams to only an analysis of regression and recoupment.

III.N. LEAST RESTRICTIVE ENVIRONMENT (LRE) (34 CFR § 300.114; RULES III.O.)

1. Lumen Scholar Institute must ensure:

a. To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities (e.g., nursing homes), are educated with similar-aged students who are nondisabled; and

b. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. In the case of a student who is deaf or hard of hearing, consideration of a special class or school may be the least restrictive environment in that it provides opportunities for direct communication and instruction in the student's language and communication mode with professional personnel and peers.

c. LRE provisions apply to transition programs and placement.

III.O. CONTINUUM OF ALTERNATIVE PLACEMENTS (34 CFR § 300.115; RULES III.P.)

1. Lumen Scholar Institute must ensure a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services.

2. The continuum required:

a. Includes the following alternative placements for instruction:

(1) Regular classes,

(2) Special classes,

(3) Special schools,

(4) Home instruction, and

(5) Instruction in hospitals and institutions; and Makes provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

III.P. PLACEMENTS (34 CFR § 300.116; RULES III.Q.)

1. In determining the educational placement of a student with a disability, including a transition-aged student with a disability, Lumen Scholar Institute must ensure:

a. The placement decision:

(1) Is made by a group of persons, including the parent(s) or adult student and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions above.

b. The student's placement:

(1) Is determined at least annually;

(2) Is based on the student's IEP; and

(3) Is as close as possible to the student's home;

c. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that the student would attend if non-disabled;

d. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services the student needs; and

e. A student with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

III.Q. PARENTAL INVOLVEMENT IN PLACEMENT DECISIONS (34 CFR §§ 300.327, 300.50; RULES III.R.)

1. Lumen Scholar Institute must ensure the parent(s) of each student with a disability or adult student are members of any group that makes decisions on the educational placement of the parent’s student or the adult student (Rules IV.B).

2. In implementing this requirement, Lumen Scholar Institute shall use procedures for parent or adult student involvement in placement decisions consistent with those used for parent participation in IEP meetings.

3. If neither parent or the adult student can participate in a meeting in which a decision is to be made relating to the educational placement of the student, Lumen Scholar Institute shall use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.

4. A group may make a placement decision without the involvement of the parent(s) or adult student if Lumen Scholar Institute is unable to obtain either parent's or adult student's participation in the decision. In this case, Lumen Scholar Institute must have a record of its attempts to ensure their involvement.

III.R. NONACADEMIC SETTINGS AND EXTRACURRICULAR ACTIVITIES (34 CFR § 300.117; UCA 53G-6-709; RULES III.S.)

1. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities in Rules III.V, Lumen Scholar Institute must ensure each student with a disability participates with non-disabled students in the extracurricular services and activities to the maximum extent appropriate to the needs of that student.

2. Lumen Scholar Institute must ensure each student with a disability has the supplementary aids and services determined by the student's IEP Team to be appropriate and necessary for the student to participate in nonacademic settings.

3. A student with a disability (under the age of 22 who has not graduated from high school with a regular high school diploma, whose IEP Team recommends participation) may not be denied the opportunity of participating in public school programs or extracurricular activities solely because of the student's age, unless the participation threatens the health or safety of the student. Lumen Scholar Institute, in cooperation with the Utah Department of Health, shall establish criteria used to determine the health and safety factor (UCA 53G-6-709).

III.S. NONACADEMIC SERVICES (34 CFR § 300.107; RULES III.T.)

1. Lumen Scholar Institute must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities.

2. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Lumen Scholar Institute, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by Lumen Scholar Institute and assistance in making outside employment available.

IV. PROCEDURAL SAFEGUARDS: DUE PROCESS PROCEDURES FOR PARENT(S) AND STUDENTS (IDEA SUBPART E)

IV.A. PARENTAL OPPORTUNITY TO EXAMINE RECORDS AND PARTICIPATE IN MEETINGS (34 CFR § 300.501; RULES IV.A.)

1. Opportunity to examine records.

a. The parent(s) of a student with a disability or adult student must be afforded, in accordance with the Rules, an opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of the student and the provision of a FAPE to the student.

2. Parent participation in meetings.

a. The parent(s) of a student with a disability or adult student must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the student and the provision of a FAPE to the student.

b. Lumen Scholar Institute must provide notice, consistent with the Rules, to ensure parents of students with disabilities or adult students have the opportunity to participate in meetings.

c. A meeting does not include informal or unscheduled conversations involving Lumen Scholar Institute personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that Lumen Scholar Institute personnel engage in to develop a proposal or a response to a parent or adult student proposal that will be discussed at a later meeting.

3. Parent involvement in placement decisions.

a. Lumen Scholar Institute must ensure that a parent of each student with a disability or adult student is a member of any group that makes decisions on the educational placement of the parent's student (34 CFR § 300.327), including notifying the parent(s) or adult student of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed-on time and place (34 CFR § 300.322(a)).

b. The notice of meeting must indicate the purpose(s), time, and location of the meeting, who will be in attendance, and inform the parents or adult student of their right to bring other individuals who have knowledge or special expertise about the student (34 CFR § 300.322(b)).

c. If neither parent or the adult student can participate in a meeting in which a decision is to be made relating to the educational placement of the student, Lumen Scholar Institute must use other methods to ensure their participation, including individual or conference telephone calls or video conferencing.

d. A placement decision may be made by a group without the involvement of a parent or adult student if Lumen Scholar Institute is unable to obtain the parent's(s') or adult student's participation in the decision. In this case, the LEA must have a record of its attempt to ensure their involvement.

IV.B. INDEPENDENT EDUCATIONAL EVALUATION (34 CFR § 300.502; RULES IV.B.)

1. Definitions.

a. Independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the student in question.

b. Public expense means that the LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent or adult student.

2. Lumen Scholar Institute has established and implemented the following policies and procedures related to independent educational evaluation that meet the requirements of Part B of the IDEA and the Rules.

3. The following requirements must be addressed:

a. The parent(s) of a student with a disability or adult student have the right to obtain an IEE of the student at public expense if they disagree with an evaluation obtained by Lumen Scholar Institute.

b. Lumen Scholar Institute must provide to the parent(s) or adult student, upon request for an IEE, information about where an IEE may be obtained and Lumen Scholar Institute criteria applicable for IEEs.

c. If the parent(s) or adult student requests an IEE at public expense, Lumen Scholar Institute must, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate, or ensure an IEE is provided at public expense, unless Lumen Scholar Institute demonstrates in a hearing that the evaluation obtained by the parent(s) or adult student did not meet Lumen Scholar Institute criteria. If Lumen Scholar Institute files a due process complaint notice to request a hearing and the final decision is that Lumen Scholar Institute's evaluation is appropriate, the parent(s) or adult student still has the right to an IEE, but not at public expense. If the parent(s) or adult student requests an IEE, Lumen Scholar Institute may ask for the parent's(s') or adult student's reason why they object to the public evaluation. However, the explanation by the parent(s) or adult student may not be required and Lumen Scholar Institute may not unreasonably delay either providing the IEE at public expense or requesting a due process hearing to defend the public evaluation.

d. The parent(s) or adult student is entitled to only one IEE at public expense each time Lumen Scholar Institute conducts an evaluation with which the parent(s) or adult student disagrees.

e. If the parent(s) or adult student obtains an IEE at public expense or shares with Lumen Scholar Institute an evaluation obtained at private expense, the results of the evaluation must be considered by Lumen Scholar Institute, if it meets Lumen Scholar Institute criteria, in any decision made with respect to the provision of a FAPE to the student, and may be presented by any party as evidence at a hearing on a due process complaint regarding that student.

f. If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

g. If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Lumen Scholar Institute uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's(s') or adult student's right to an IEE.

h. Except for the criteria described above, Lumen Scholar Institute may not impose additional conditions or timelines related to obtaining an IEE at public expense.

4. An IEE conducted at Lumen Scholar Institute's expense becomes the property of Lumen Scholar Institute, in its entirety.

IV.C. PRIOR WRITTEN NOTICE (34 CFR § 300.503; RULES IV.C.)

1. Prior written notice must be given to the parents of a student with a disability or adult student a reasonable time before Lumen Scholar Institute:

   a. Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student; or

   b. Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a FAPE to the student.

2. The notice required must include:

   a. A description of the action proposed or refused by Lumen Scholar Institute;

   b. An explanation of why Lumen Scholar Institute proposes or refuses to take the action;

   c. A description of each evaluation procedure, assessment, record, or report Lumen Scholar Institute used as a basis for the proposed or refused action;

   d. A statement that the parent(s) of a student with a disability or adult student have protection under the procedural safeguards of Part B of the IDEA and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;

   e. Sources for the parent(s) or adult student to contact to obtain assistance in understanding the provisions of Part B of the IDEA;

   f. A description of other options the IEP Team considered and the reasons why those options were rejected; and

   g. A description of other factors relevant to Lumen Scholar Institute 's proposal or refusal.

3. The notice must be:

   a. Written in language understandable to the general public; and

   b. Provided in the native language of the parent(s) or adult student or other mode of communication used by the parent(s) or adult student, unless it is clearly not feasible to do so.

      (1) If the native language or other mode of communication of the parent(s) or adult student is not a written language, Lumen Scholar Institute must take steps to ensure:

      (2) The notice is translated orally or by other means to the parent(s) or adult student in his/her native language or other mode of communication;

(3) The parent(s) or adult student understands the content of the notice; and

(4) There is written evidence that the requirements have been met.

IV.D. PROCEDURAL SAFEGUARDS NOTICE (34 CFR § 300.504; RULES IV.D.)

1. A copy of the procedural safeguards available to the parent(s) of a student with a disability or adult student must be given to the parent(s) or adult student only one time a year, except that a copy also must be given to the parent(s) or adult student:

a. Upon initial referral or parental or adult student request for evaluation;

b. Upon receipt of the first State complaint or a due process complaint in that school year; and

c. Upon request by the parent(s) or adult student.

2. An LEA may place a current copy of the procedural safeguards notice on its website if a website exists.

3. The procedural safeguards notice must include a full explanation of all the procedural safeguards relating to:

a. Independent educational evaluations;

b. Prior written notice;

c. Parental or adult student consent;

d. Access to educational records;

e. The opportunity to present and resolve complaints through the State IEP facilitation, mediation, due process complaint or State complaint procedures, including the time period in which to file a complaint;

f. The opportunity for Lumen Scholar Institute to resolve the complaint, and the difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;

g. The availability of IEP facilitation and mediation;

h. The student's placement during pendency of hearings on due process complaints;

i. Procedures for students who are subject to placement in an interim alternative educational setting (IAES);

j. Requirements for unilateral placement by parent(s) of students or by adult students in private schools at public expense;

k. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;

l. State-level appeals;

m. Civil actions, including the time period in which to file those actions; and

n. Attorneys' fees.

4. The notice required must be in language understandable to the parent(s) or adult student.

5. The parent(s) of a student with a disability or adult student may elect to receive notices by an electronic mail communication, if Lumen Scholar Institute makes that option available (34 CFR § 300.505).

6. Dispute resolution options remain available.

IV.E. STATE COMPLAINT PROCEDURES (34 CFR § 300.151–153; UCA 53E-7-208; RULES IV.E.)

Lumen Scholar Institute follows all requirements found in Rules IV.E. regarding State Complaint Procedures.

IV.F. MEDIATION (34 CFR § 300.506; RULES IV.F.)

Lumen Scholar Institute follows all requirements found in Rules IV.F. regarding Mediation.

IV.G. FILING A DUE PROCESS COMPLAINT (34 CFR § 300.507; UCA 53E-7-208; RULES IV.G.)

Lumen Scholar Institute follows all requirements found in Rules IV.G. regarding filing a due process complaint.

IV.H. DUE PROCESS COMPLAINT (34 CFR § 300.508; RULES IV.H.)

Lumen Scholar Institute follows all requirements found in Rules IV.H. regarding due process complaints.

IV.I. MODEL FORMS (34 CFR § 300.509; RULES IV.I.)

The USBE staff have developed model forms to assist parent(s) or adult students in filing a State complaint, a due process hearing complaint, and requesting mediation. These forms are available on the USBE Special Education Services webpage. Parties are not required to use the State's model forms. Parents or adult students, public agencies, and other parties may use the appropriate State model form or another form or other document, so long as the form or document that is used meets, as appropriate, the content requirements for filing a due process complaint or the requirements for filing a State complaint.

IV.J. RESOLUTION PROCESS (34 CFR § 300.510; RULES IV.J.)

Lumen Scholar Institute follows all requirements found in Rules IV.J. regarding the resolution process.

IV.K. IMPARTIAL DUE PROCESS HEARING (34 CFR § 300.511; RULES IV.K.)

Lumen Scholar Institute follows all requirements found in Rules IV.K regarding impartial due process hearings.

IV.L. HEARING RIGHTS (34 CFR § 300.512; RULES IV.L.)

Lumen Scholar Institute follows all requirements found in Rules IV.L. regarding hearing rights.

IV.M. HEARING DECISIONS (34 CFR § 300.513; RULES IV.M.)

Lumen Scholar Institute follows all requirements found in Rules IV.M. regarding hearing decisions.

IV.N. FINALITY OF DECISION (34 CFR § 300.514; RULES IV.N.)

Lumen Scholar Institute acknowledges that a decision made in a hearing conducted is final, unless a party to the hearing appeals the decision to a civil action.

IV.O. STATE ENFORCEMENT MECHANISMS (34 CFR § 300.537; RULES IV.O.)

Lumen Scholar Institute acknowledges the state enforcement mechanisms found in Rules IV.O.

IV.P. TIMELINES AND CONVENIENCE OF HEARINGS (34 CFR § 300.515; UBSE-SER IV.P.)

Lumen Scholar Institute follows all requirements found in Rules IV.P. regarding timelines and convenience of hearings.

IV.Q. CIVIL ACTION (34 CFR § 300.516; RULES IV.Q.)

Lumen Scholar Institute follows all requirements found in Rules IV.Q. regarding civil action.

IV.R. ATTORNEYS' FEES (34 CFR § 300.517; UCA 53E-7-208(4)(B); RULES IV.R.)

Lumen Scholar Institute follows all requirements found in Rules IV.R. regarding attorneys' fees.

IV.S. STUDENT'S STATUS DURING PROCEEDINGS (34 CFR § 300.518; RULES IV.S.)

Lumen Scholar Institute follows all requirements found in Rules IV.S. regarding student's status during proceedings.

IV.T. SURROGATE PARENTS (34 CFR § 300.519; RULES IV.T.)

1. Lumen Scholar Institute ensures the rights of a student are protected when:

   a. No parent can be identified for a student under the age of majority;

   b. Lumen Scholar Institute, after reasonable efforts, cannot locate a parent for a student under the age of majority;

   c. The student is a ward of the state under the laws of that state; or

   d. The student is an unaccompanied homeless youth under the age of majority.

2. The duties of Lumen Scholar Institute include the assignment of an individual to act as a surrogate for the parent(s) for a student under the age of majority. This must include a method for

determining whether a student under the age of majority needs a surrogate parent and for assigning a surrogate parent to the student.

3. In the case of a student who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the student's case, provided that the surrogate meets the requirements.

4. Lumen Scholar Institute may select a surrogate parent in any way permitted under State law.

5. Lumen Scholar Institute must ensure that a person selected as a surrogate parent:

a. Is not an employee of the USBE, Lumen Scholar Institute, or any other agency that is involved in the education or care of the student;

b. Has no personal or professional interest that conflicts with the interest of the student he/she represents; and

c. Has knowledge and skills that ensure adequate representation of the student.

6. A person otherwise qualified to be a surrogate parent is not an employee of Lumen Scholar Institute solely because the person is paid by Lumen Scholar Institute to serve as a surrogate parent.

7. In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogates until a surrogate can be appointed who meets all of the requirements.

8. The surrogate parent may represent the student in all matters relating to the identification, evaluation, and educational placement of the student, and the provision of a FAPE to the student.

9. The USBE and Lumen Scholar Institute staff must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 calendar days after Lumen Scholar Institute determines the student needs a surrogate.

IV.U. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY (34 CFR § 300.520; RULES IV.U.)

1. When a student with a disability reaches the age of majority under State law (i.e., age 18) that applies to all students, except for a student with a disability who has been determined to be incompetent under State law, or the student with a disability marries or becomes emancipated:

a. Lumen Scholar Institute must provide any notice required by Part B of the IDEA to both the individual and the parent(s); and

b. All other rights accorded to parents under Part B of the IDEA transfer to the student;

c. All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile State or local correctional institution; and

d. Whenever a state transfers rights, Lumen Scholar Institute must notify the individual and the parent(s) of the transfer of rights within a reasonable time frame.

IV.V. CONFIDENTIALITY (34 CFR § 300.610; R277-487; RULES IV.V.)

Lumen Scholar Institute takes appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the LEAs pursuant to Part B of the IDEA and R277-487.

1. Definitions (34 CFR § 300.611).

As used in these procedural safeguards:

a. *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

b. *Education records* means the type of records covered under the definition of "education records" in 34 CFR § 99, implementing regulations for the Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g (FERPA).

c. *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information (PII), or from which information is obtained, under Part B of the IDEA.

2. Notice to parent(s) or adult student (34 CFR § 300.612).

a. Lumen Scholar Institute must give notice that is adequate to fully inform parent(s) or adult students, including:

(1) A description of the extent that the notice is given in the native languages of the various population groups in the State;

(2) A description of the students on whom PII is maintained, the types of information sought, the methods Lumen Scholar Institute intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

(3) A summary of the policies and procedures Lumen Scholar Institute must follow regarding storage, disclosure to third parties, retention, and destruction of PII; and

(4) A description of all of the rights of parents and students regarding this information, including the rights under FERPA.

3. Before any major identification, location, or evaluation activity, the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents or adult students throughout Lumen Scholar Institute of the activity.

4. Access rights (34 CFR § 300.613).

a. Lumen Scholar Institute must permit parents or adult students to inspect and review any education records relating to their student or themselves that are collected, maintained, or used by the LEA. Lumen Scholar Institute must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing or resolution session, and in no case more than 45 calendar days after the request has been made.

b. The right to inspect and review education records under this section includes:

(1) The right to a response from Lumen Scholar Institute to reasonable requests for explanations and interpretations of the records;

(2) The right to request that Lumen Scholar Institute provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent or adult student from exercising the right to inspect and review the records; and

(3) The right to have a representative of the parent or adult student inspect and review the records.

c. Lumen Scholar Institute may presume that the parent(s) or adult student has authority to inspect and review records relating to his/her student unless Lumen Scholar Institute has been advised that the parent(s) does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

5. Record of access (34 CFR § 300.614).

Lumen Scholar Institute must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA and the Rules (except access by parents or adult students and authorized employees of the LEA), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

6. Records on more than one student (34 CFR § 300.615).

If any education record includes information on more than one student, the parent(s) of those students or the adult students have the right to inspect and review only the information relating to their student or themselves or to be informed of that specific information.

7. List of types and locations of information (34 CFR § 300.616).

On request, Lumen Scholar Institute must provide parents or adult students with a list of the types and locations of education records collected, maintained, or used by the LEA.

8. Fees (34 CFR § 300.617).

a. Lumen Scholar Institute may charge a fee for copies of records that are made for parent(s) or adult students under Part B of the IDEA if the fee does not effectively prevent the parent(s) or adult students from exercising their right to inspect and review those records.

b. The USBE staff and an LEA may not charge a fee to search for or to retrieve information under Part B of the IDEA.

9. Amendment of records at parent's(s') request (34 CFR § 300.618).

a. A parent or adult student who believes that information in the education records collected, maintained, or used under Part B of the IDEA or Rules is inaccurate or misleading or violates the privacy or other rights of the student may request Lumen Scholar Institute to amend the information.

b. Lumen Scholar Institute must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

c. If Lumen Scholar Institute decides to refuse to amend the information in accordance with the request, it must inform the parent or adult student of the refusal and advise the parent(s) or adult student of the right to a hearing on the matter.

10. Opportunity for a hearing (34 CFR § 300.619).

a. Lumen Scholar Institute must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. This hearing is not an IDEA due process complaint/hearing.

11. Result of hearing (34 CFR § 300.620).

a. If, as a result of the hearing, Lumen Scholar Institute decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it must amend the information accordingly and so inform the parent(s) or adult student in writing.

b. If, as a result of the hearing, Lumen Scholar Institute decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it must inform the parent(s) or adult student of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the LEA.

c. Any explanation placed in the records of the student under this section must:

(1) Be maintained by the LEA as part of the records of the student as long as the record or contested portion is maintained by the LEA; and

(2) If the records of the student or the contested portion are disclosed by the LEA to any party, the explanation must also be disclosed to the party.

12. Hearing procedures (34 CFR § 300.621).

A hearing that challenges education records must be conducted according to the procedures under 34 CFR § 99.22 as described below. At a minimum, Lumen Scholar Institute's hearing procedures must adhere to the following requirements:

a. The hearing shall be held within a reasonable period of time after the LEA receives the request, and the parent(s) of the student or adult student shall be given notice of the date, place, and time reasonably in advance of the hearing.

b. The hearing may be conducted by any party, including an official of the LEA, who does not have a direct interest in the outcome of the hearing.

c. The parent(s) of the student or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or be represented by individuals of his/her choice at his/her own expense, including an attorney.

d. The LEA shall make its decision in writing within a reasonable period of time after the conclusion of the hearing.

e. The decision of the LEA shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

13. Consent (34 CFR § 300.622).

a. Except as to disclosures addressed in referral to and action by law enforcement and judicial authorities, for which parental consent is not required by 34 CFR § 99, parental or adult student consent must be obtained before PII is:

(1) Disclosed to anyone other than officials of participating agencies collecting or using the information under Part B of the IDEA or the Rules, or

(2) Used for any purpose other than meeting a requirement of Part B of the IDEA or the Rules.

b. Lumen Scholar Institute may not release information from education records to participating agencies without parental or adult student consent unless authorized to do so by 34 CFR §§ 99.31 and 99.34 (FERPA):

(1) Regulation 34 CFR § 99.31 allows an LEA to disclose PII from the education records of a student without the written consent of the parent(s) of the student or adult student, if the disclosure is:

(a) To other school officials, including teachers within the LEA who have been determined by the LEA to have legitimate educational interests.

(b) To officials of another school or school site in which the student seeks or intends to enroll, subject to the requirements set forth in 34 CFR § 99.34 below.

(2) Regulation 34 CFR § 99.34 requires that an LEA transferring the education records of a student pursuant to 34 CFR § 99.34 above shall make a reasonable attempt to notify the parent of the student or adult student of the transfer of records at the last known address of the parent or adult student, except that the LEA does not have to provide any further notice of the transfer of records when:

(a) The transfer is initiated by the parent(s) or adult student at the sending LEA.

(b) Lumen Scholar Institute includes in its annual notice of procedural safeguards, that it is the policy of the LEA to forward education records on request to a school in which a student seeks or intends to enroll.

(c) Lumen Scholar Institute transferring the records must keep a copy of the records for three years after the transfer.

c. Lumen Scholar Institute, upon receiving PII from another educational agency or institution, may make further disclosure of the information on behalf of the LEA without the prior written consent of the parent(s) or adult student if the conditions of 34 CFR §§ 99.31 and 99.34 noted above are met, and if the educational agency informs the party to whom disclosure is made of these requirements.

d. If the parent(s) or adult student refuses consent for the release of PII to a third party, then that party may proceed with statutory procedures in an effort to obtain the desired information.

Note: As authorized in 34 CFR § 99.31 (FERPA), Lumen Scholar Institute includes in the annual procedural safeguards notice that it is their policy to forward educational records of a student with disabilities without parental or adult student consent or notice to officials of another school or school district in which a student seeks or intends to enroll.

14. Safeguards (34 CFR § 300.623).

    a. Lumen Scholar Institute must protect the confidentiality of PII at collection, storage, disclosure, and destruction stages.

    b. One official at each LEA must assume responsibility for ensuring the confidentiality of any PII.

    c. All persons at Lumen Scholar Institute collecting or using PII must receive training or instruction regarding the State's policies and procedures in Rules IV.V and 34 CFR § 99.

    d. Lumen Scholar Institute must maintain, for public inspection, a current listing of the names and positions of those employees within the LEA who may have access to PII on students with disabilities.

15. Destruction of information (34 CFR § 300.624).

    a. Lumen Scholar Institute must inform parents or adult student when PII collected, maintained, or used under Part B of the IDEA and Rules is no longer needed to provide educational services to the student.

    b. The information no longer needed must be destroyed at the request of the parent(s) or adult student. However, a permanent record of a student's name, address, phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

    c. Each student's records may be considered "no longer needed to provide educational services" and may be destroyed three years after the student graduates or three years after the student turns 22 under IDEA. Medicaid requires that records be maintained for at least five years after the provision of services.

16. Students' rights (34 CFR § 300.625).

    a. The rights of privacy afforded to parent(s) are transferred to the student who reaches the age of 18, providing the student has not been declared incompetent by a court order or the student has married or become emancipated.

b. Under the regulations for FERPA at 34 CFR § 99.5(a), the rights of parent(s) regarding education records are transferred to the student at age 18, providing the student has not been declared incompetent by a court order or the student has married or become emancipated.

c. Because the rights accorded to parents under Part B of the IDEA are transferred to a student who reaches the age of 18, providing the student has not been declared incompetent by a court order or the student has married or become emancipated, the rights regarding educational records must also be transferred to the student. However, Lumen Scholar Institute must provide any notice required under Section 615 of Part B of the IDEA to the student and the parent(s).

17. Enforcement (34 CFR § 300.626).

The confidentiality requirements of Part B of the IDEA are reviewed and approved as part of Lumen Scholar Institute eligibility process.

18. U.S. Department of Education use of PII (34 CFR § 300.627).

If the U.S. Department of Education or its authorized representatives collect any PII regarding students with disabilities that is not subject to the Privacy Act of 1974, 5 USC § 552a, the Secretary of Education (Secretary hereafter) applies the applicable Federal statute, and the regulations implementing those provisions in 34 CFR § 5b.

All records are maintained in a locked office accessible only by the SPED staff. If a parent or teacher desires access, one of the SPED staff will be available to allow access to that particular student's file and will sign the Record of Access located at the front of the student file.

V. DISCIPLINE PROCEDURES (34 CFR § 300.530)

Due to our online designation all students will have uninterrupted access to academic instruction.

V.A. DISCIPLINE PROCEDURES FOR STUDENTS WITH DISABILITIES (RULES V.A).

Consistent with the requirements of Part B of the IDEA and the Rules, Lumen Scholar Institute shall establish, maintain, and implement the following policies and procedures for disciplining students with disabilities.

V.B. AUTHORITY OF SCHOOL PERSONNEL (34 CFR § 300.530(A–C); RULES V.B.)

1. School personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of this section, is appropriate for a student with a disability who violates a code of student conduct.

2. School personnel may remove a student with a disability who violates a code of student conduct from his/her current placement to an appropriate interim alternative educational setting (IAES), another setting, or suspension, for not more than ten consecutive school days (to the extent those alternatives are applied to students without disabilities), and for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

3. After a student with a disability has been removed from his/her current placement for ten school days in the same school year, during any subsequent days of removal Lumen Scholar Institute must provide services to the extent required.

4. For disciplinary changes in placement that would exceed ten consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to students with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities, except after the tenth day of removal that constitutes a change in placement, the LEA must provide services to the student.

V.C. SERVICES (34 CFR § 300.530(D); RULES V.C.)

1. A student with a disability who is removed from the student's current placement must:

a. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP; and

b. Receive, as appropriate, a functional behavior assessment, and behavior intervention services and modifications that are designed to address the behavior violation so that it does not recur.

2. The services may be provided in an IAES.

3. Lumen Scholar Institute is only required to provide services during periods of removal to a student with a disability who has been removed from his/her current placement for ten school days or less in that school year if it also provides services to a student without disabilities who is similarly removed.

4. After a student with a disability has been removed from his/her current placement for ten school days in the same school year, if the current removal is for not more than ten consecutive school days and is not a change of placement, school personnel, in consultation with at least one of the student's teachers, determine the extent to which services are needed, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

5. If the removal is a change of placement, the student's IEP Team determines appropriate services to be provided during the removal.

V.D. CHANGE OF PLACEMENT DUE TO DISCIPLINARY REMOVALS (34 CFR § 300.536; RULES V.D.)

1. For purposes of removals of a student with a disability from the student's current educational placement, a change of placement occurs if:

a. The removal is for more than ten consecutive school days; or

b. The student has been subjected to a series of removals that constitute a pattern:

(1) Because the series of removals total more than ten school days in a school year;

(2) Because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and

(3) Because of such additional factors as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

2. Lumen Scholar Institute determines on a case-by-case basis whether a pattern of removals constitutes a change of placement. This determination is subject to review through due process and judicial proceedings.

V.E. MANIFESTATION DETERMINATION (34 CFR § 300.530(E); RULES V.E.)

1. Within ten school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, Lumen Scholar Institute, the parent(s) or adult student, and relevant members of the student's IEP Team (as determined by the parent(s) or adult student and the LEA) must review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parent(s) or adult student to determine:

a. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or

b. If the conduct in question was the direct result of the LEA's failure to implement the IEP.

2. The conduct must be determined to be a manifestation of the student's disability if Lumen Scholar Institute, the parent(s) or adult student, and relevant members of the student's IEP Team determine that the misconduct was caused by or had a direct and substantial relationship to the student's disability, or was the direct result of the LEA's failure to implement the IEP.

3. If Lumen Scholar Institute, the parent(s) or adult student, and relevant members of the student's IEP Team determine that the misconduct was the direct result of the LEA's failure to implement the IEP, the LEA must take immediate steps to remedy those deficiencies.

4. If Lumen Scholar Institute, the parent(s) or adult student, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the student's disability, the IEP Team must either:

a. Conduct a functional behavior assessment (FBA), unless Lumen Scholar Institute had conducted a FBA before the behavior that resulted in the change of placement occurred, and implement a behavior intervention plan (BIP) for the student; or

b. If a BIP has already been developed, review the BIP, and modify it, as necessary, to address the behavior; and

c. Unless the misconduct falls under the definition of special circumstances in Rules V.E.5, return the student to the placement from which the student was removed, unless the parent

or adult student and the LEA agree to a change of placement as part of the modification of the behavior intervention plan.

5. Special circumstances.

School personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an LEA;

b. 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 an LEA, or

c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of an LEA.

6. Definitions.

For purposes of this section, the following definitions apply:

a. *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 USC § 812(c)).

b. *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 the Controlled Substances Act or under any other provision of Federal law (21 USC § 812).

c. *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 (18 USC § 1365). Serious bodily injury does not include a cut, abrasion, bruise, burn, disfigurement, physical pain, illness, or impairment of the function of a bodily member, organ or mental faculty that is temporary (20 USC § 1365).

d. *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, except that such term does not include a pocket knife with a blade of less than 2.5 inches (18 USC § 930).

V.F. PROCEDURAL SAFEGUARDS NOTICE (34 CFR § 300.530; RULES V.F.)

On the date on which the decision is made to make a removal that constitutes a change of placement of a student with a disability because of a violation of a code of student conduct, Lumen Scholar Institute must notify the parent(s) or adult student of that decision, and provide the parent(s) or adult student the procedural safeguards notice.

V.G. DETERMINATION OF SETTING (34 CFR § 300.531; RULES V.G.)

The student's IEP Team determines the IAES for services if the behavior that gives rise to the removal is not a manifestation of the student's disability, the removal constitutes a change of placement, or the behavior falls under the special circumstances in USBE V.E.5.

V.H. APPEALS BY PARENT OR LEA (34 CFR § 300.532; RULES V.H.)

1. The parent(s) of a student with a disability or adult student who disagrees with any decision regarding placement or the manifestation determination, or an LEA that believes that maintaining the current placement of the student is substantially likely to result in injury to the student or others, may appeal the decision by filing a due process hearing complaint.

2. Authority of hearing officer.

a. A due process hearing officer hears and makes a determination regarding an appeal.

b. In making the determination, the hearing officer may:

(1) Return the student with a disability to the placement from which the student was removed if the hearing officer determines that the removal was a violation of the discipline procedures under Part B of the IDEA or these Rules or that the student's behavior was a manifestation of the student's disability; or

(2) Order a change of placement of the student with a disability to an appropriate IAES for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

c. The appeal procedures may be repeated if Lumen Scholar Institute believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

3. Expedited due process hearing.

a. Whenever a hearing is requested, the parent(s) or adult student or Lumen Scholar Institute must have an opportunity for an impartial due process hearing.

b. Lumen Scholar Institute is responsible for arranging the expedited due process hearing with the State Director of Special Education, which must occur within 20 school days of the date the complaint requesting the hearing is filed. The hearing officer must make a determination within ten school days after the hearing.

c. Unless the parent(s) or adult student and Lumen Scholar Institute agree in writing to waive the resolution meeting, or agree to use mediation:

(1) A resolution meeting must occur within seven calendar days of receiving notice of the due process complaint; and

(2) The due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of the receipt of the due process complaint.

d. The decisions on expedited due process hearings are final, unless meeting the requirements of 34 CFR § 300.514(b) or 34 CFR § 300.516.

V.I. PLACEMENT DURING APPEALS (34 CFR § 300.533; RULES V.I.)

When an appeal through a due process complaint has been made by either the parent or adult student or Lumen Scholar Institute, the student must remain in the IAES pending the decision of the hearing officer or until the expiration of the time period specified, whichever occurs first, unless the parent(s) or adult student and the SEA or LEA agree otherwise.

V.J. PROTECTIONS FOR STUDENTS NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES (34 CFR § 300.534; RULES V.J.)

1. A student who has not been determined to be eligible for special education and related services under Part B of the IDEA, and who has engaged in behavior that violated a code of student conduct, may assert any of the protections provided for in this part if Lumen Scholar Institute had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

2. Lumen Scholar Institute must be deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred:

a. The parent(s) of the student or adult student expressed concern in writing to supervisory or administrative personnel of Lumen Scholar Institute, or a teacher of the student, that the student is in need of special education and related services;

b. The parent(s) of the student or adult student requested an evaluation of the student; or

c. The teacher of the student, or other personnel of Lumen Scholar Institute, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education of the LEA or to other supervisory personnel of the LEA.

3. Lumen Scholar Institute would not be deemed to have knowledge that a student is a student with a disability if:

a. The parent(s) of the student or the adult student:

(1) Has not allowed an evaluation of the student; or

(2) Has refused services under this part; or

b. The student has been evaluated in accordance with and determined to not be a student with a disability under Part B of the IDEA.

4. If Lumen Scholar Institute does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the disciplinary measures applied to students without disabilities who engage in comparable behaviors.

a. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

(1) Until the evaluation is completed, the student remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(2) If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by Lumen Scholar Institute and information provided by the parent(s) or adult student, the LEA must provide special education and related services.

V.K. REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES (34 CFR § 300.535; RULES V.K.)

1. Nothing in Part B of the IDEA prohibits Lumen Scholar Institute from reporting a crime committed by a student with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student with a disability.

2. Transmittal of records.

a. If Lumen Scholar Institute reports a crime committed by a student with a disability, it must ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the LEA reports the crime.

b. If Lumen Scholar Institute reports a crime under this section, it may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

VI. STUDENTS WITH DISABILITIES IN OTHER SETTINGS

VI.A. PRIVATE SCHOOL PLACEMENTS BY LEAS (34 CFR § 300.325; RULES VI.A.)

1. Developing IEPs.

a. Before Lumen Scholar Institute places a student with a disability in, or refers a student to, a private school or facility, Lumen Scholar Institute must initiate and conduct a meeting to develop an IEP for the student in accordance with Part B of the IDEA and the Rules.

b. Lumen Scholar Institute must ensure that a representative of the private school or facility attends the meeting. If the representative cannot attend, the LEA must use other methods to ensure participation by the private school or facility, including individual or conference telephone calls or video conferencing.

2. Reviewing and revising IEPs.

a. After a student with a disability is placed in a private school or facility, any meetings to review and revise the student's IEP may be initiated and conducted by the private school or facility at the discretion of Lumen Scholar Institute.

b. If the private school or facility initiates and conducts these meetings, Lumen Scholar Institute must ensure that the parent(s) or adult student and an LEA representative:

(1) Are involved in any decisions about the student's IEP; and

(2) Agree to any proposed changes in the IEP before those changes are implemented.

3. Even if a private school or facility implements a student's IEP, responsibility for compliance with this part remains with Lumen Scholar Institute and the USBE.

4. Residential placement (34 CFR § 300.104).

If placement in a public or private residential program is necessary to provide special education and related services to a student with a disability, the program, including non-medical care and room and board, must be at no cost to the parent(s) of the student or adult student.

VI.B. STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENT(S) IN PRIVATE SCHOOLS WHEN FAPE IS AT ISSUE (34 CFR § 300.148; RULES VI.C.)

1. Lumen Scholar Institute is not required to pay for the cost of education, including special education and related services, of a student with a disability at a private school or facility if that LEA made a FAPE available to the student and the parent(s) or adult student elected to place the student in a private school or facility.

2. Disagreements between the parent(s) or adult student and an LEA regarding the availability of a program appropriate for the student, and the question of financial reimbursement, are subject to the State complaint and due process procedures in the Rules IV.G.–R.

3. If the parent(s) of a student with a disability or adult student, who previously received special education and related services under the authority of Lumen Scholar Institute, enroll the student in a private preschool, elementary school, or secondary school without the consent of or referral by the LEA, a court or a hearing officer may require the LEA to reimburse the parent(s) or adult student for the cost of that enrollment if the court or hearing officer finds that the LEA had not made a FAPE available to the student in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the USBE and LEAs.

4. The cost of reimbursement may be reduced or denied if:

a. At the most recent IEP Team meeting that the parent(s) or adult student attended prior to removal of the student from the public school, the parent(s) or adult student did not inform the IEP Team that they were rejecting the placement proposed by the LEA to provide a FAPE to the student, including stating their concerns and their intent to enroll their student in a private school at public expense; or

b. At least ten business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, the parent(s) or adult student did not give written notice to the LEA of the information described in the Rules VI.C.4.a;

c. Prior to the parent's(s') or adult student's removal of the student from the public school, the LEA informed the parent(s) or adult student, through the prior written notice requirements, of its intent to evaluate the student (including a statement of the purpose of the evaluation

that was appropriate and reasonable), but the parent(s) or adult student did not make the student available for the evaluation; or

d. Upon a judicial finding of unreasonableness with respect to actions taken by the parent(s) or adult student.

5. Notwithstanding the requirements for the parent(s) or adult student to provide notice to Lumen Scholar Institute prior to removal of the student, the cost of reimbursement:

a. Must not be reduced or denied for failure to provide the notice if:

(1) The school prevented the parent(s) or adult student from providing the notice;

(2) The parent(s) or adult student had not received prior written notice of the notice requirement in Rules VI.C.4.a–c; or

(3) Compliance with the notice requirements in Rules VI.C.4.a.–c. would likely result in physical harm to the student; and

b. May, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if:

(1) The parent(s) or adult student are not literate or cannot write in English; or

(2) Compliance with Rule VI.C.4.a.–c. would likely result in serious emotional harm to the student.

VI.C. STUDENTS WITH DISABILITIES ENROLLED IN HOME SCHOOL (RULES VI.D.)

1. Dual enrollment (R277-438 and UCA 53G-6-702).

a. A student with a disability who is simultaneously enrolled in both home school or private school and a public school is considered a dual enrollment student.

b. A student with a disability seeking dual enrollment is entitled to special education and related services, under an IEP, for the time, or for the number of courses, the student is enrolled in the public school, based on the decision of the student's IEP Team. The IEP Team must consider the amount of time and courses needed for the provision of FAPE.

2. Home schools do not meet the definition of private schools (R277-438).

VI.D. STUDENTS WITH DISABILITIES ENROLLED IN VIRTUAL SETTINGS (RULES VI.F.)

1. Students with disabilities enrolled in public education virtual settings remain entitled to special education and related services until determined no longer meeting eligibility criteria, graduate with a regular high school diploma, or reach maximum age.

2. The responsibility for FAPE for students with disabilities enrolled in public education virtual settings remains with the LEA of enrollment, unless Board Rule specifies otherwise.

VI.E. STUDENTS WITH DISABILITIES WHO ARE ALSO IN STATE CUSTODY/CARE (R277-709; UCA 62A-4A-701; RULES VI.K.)

1. The obligation to make FAPE available in the LRE, including special education and related services under Part B of the IDEA and these Rules, applies to all students with disabilities in state custody/care.

2. All requirements of these Rules apply to students with disabilities in State custody/care, including child find, LRE, and continuum of alternative placements.

3. Special education programs provided through youth in custody programs shall be monitored, through regular site monitoring visits and monthly desk monitoring on an annual basis, as directed by USBE (R277-709).

4. The USBE will develop and implement a Memorandum of Understanding (MOU) with other State agencies responsible for placing students in State custody/care across LEAs or in private facilities. The MOU will address, at a minimum, payment for education and special education services, timelines for placement, and notification of LEAs of changes in placement, and assign responsibility for FAPE.

5. LEAs must develop and implement a Memorandum of Understanding (MOU), policies, and procedures to address the process and timelines for interstate and intrastate transfers of students with disabilities in State custody/care, including the transfer of special education files, including the IEP, and the implementation of the IEP and provision of FAPE in the LRE, even in temporary placements.

a. The LEA transferring the records must keep a copy of the records for three years after the transfer.

VI.F. STUDENTS WITH DISABILITIES WHO RESIDE IN NURSING HOMES (RULES VI.L)

1. Students with disabilities residing in nursing homes and their parent(s) or adult students have the same rights under IDEA as all other IDEA-eligible students with disabilities.

VII. TRANSITIONS (34 CFR § 300.1; RULES VII.)

VII.A. TRANSITION SERVICES—SCHOOL TO POST-SCHOOL (RULES VII.B)

1. Purpose (34 CFR § 300.1; Rules VII.B.1)

To ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.

2. Definition (34 CFR § 300.43; Rules VII.B.2.)

a. *Transition services* means a coordinated set of activities for a student with a disability that:

(1) Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability, to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported

employment), continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual student's needs, taking into account the student's strengths, preferences, and interests, and includes:

(a) Instruction;

(b) Related services;

(c) Community experiences;

(d) The development of employment and other post-school adult living objectives; and

(e) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

b. Transition services for students with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a student with a disability to benefit from special education.

3. Parent or adult student participation (34 CFR § 300.322; Rules VII.B.3.)

For a student with a disability age 14 and older, or younger if determined appropriate by the IEP Team, the notice of meeting must indicate:

a. That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student;

b. That Lumen Scholar Institute will invite the student; and

c. Identify any other agency that will be invited, with the consent of the parent(s) or adult student, to send a representative.

4. IEP Team (34 CFR § 300.321; Rules VII.B.4.)

For an IEP Team meeting that includes as a purpose the development of a transition plan:

a. Lumen Scholar Institute must invite the student with a disability to attend the student's IEP meeting if a purpose of the meeting will be the consideration of the post-secondary goals for the student and the transition services needed to assist the student in reaching those goals.

b. If the student does not attend the IEP meeting, Lumen Scholar Institute must take other steps to ensure that the student's preferences and interests are considered.

c. To the extent appropriate, with the consent of the parent(s) or adult student, Lumen Scholar Institute must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

5. Definition of IEP (34 CFR § 300.320(b); Rules VII.B.5.)

a. Transition services. For a student with a disability, ages 14 and older, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:

(1) Realistic and reasonable measurable postsecondary goals based upon annual age-appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills;

(2) Transition services, including multi-year courses of study, that will reasonably enable the student to reach the post-secondary goals identified on the IEP;

(3) Evidence that the student was invited to the IEP Team meeting where transition services are to be discussed. If the student does not attend the IEP meeting, the IEP Team must take other steps to ensure the student's preferences and interests are considered;

(4) If appropriate, evidence that a representative of any participating agency that might be providing or paying for any transition services was invited to the IEP Team meeting with written consent of the parent or adult student prior to the meeting; and

(5) Any modifications to graduation requirements, as permitted under R277-700.

b. Students with disabilities must have access to school counselors for the purpose of planning and must be actively invited and included (when appropriate) in school activities which address course planning (including online courses), graduation, and post-secondary education and employment (i.e., college week, scholarship opportunities, ACT, and concurrent enrollment).

6. Transfer of rights at age of majority (34 CFR §§ 300.320(c), 300.520; Rules VII.B.6.)

a. Not later than the student's 17th birthday, the IEP must include a dated statement, signed by the student, parent, and an LEA Representative, that the student and the student's parent(s) have been informed of parent's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority (i.e., age 18), except for a student with a disability who has been determined to be incompetent by a court.

b. All rights accorded to parents under Part B of the IDEA transfer to the student on his/her 18th birthday unless the IEP Team determines that:

(1) The parent has obtained legal guardianship, power of attorney, or conservatorship; or

(2) The student has married or become emancipated (in which case the rights transfer at that time).

c. All rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile State or local correctional institution.

7. Termination of eligibility as a change of placement (34 CFR § 300.305; Rules VII.B.7.)

a. An evaluation is not required before the termination of a student's eligibility under this part due to graduation from secondary school with a regular high school diploma, or due to exceeding the age of eligibility for FAPE under Utah law.

b. For a student whose eligibility terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility for FAPE under Utah law, an LEA must provide the student with a summary of the student's academic achievement and functional performance which shall include a statement of the student's post-secondary goals, recommendations on how to assist the student in meeting the student's postsecondary goals, and a statement of when and how accommodations were used for instruction and assessment.

c. Receipt of a general educational development (GED) credential does not end eligibility for FAPE.

8. Failure to meet transition objectives (34 CFR § 300.324; Rules VII.B.8.)

a. If a participating agency, other than Lumen Scholar Institute, fails to provide the transition services described in the IEP, the LEA must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

b. Nothing relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that LEA (34 CFR § 300.324).

c. If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy or an interagency agreement, to provide or pay for any services that are also considered special education or related services such as, but not limited to, services relating to assistive technology devices, assistive technology services, related services, supplementary aids and services, and transition services, that are necessary for ensuring a FAPE to students with disabilities within the State, the public agency must fulfill that obligation or responsibility, either directly or through contract or other arrangement or as provided in an interagency agreement.

9. Students with disabilities in adult prisons (34 CFR § 300.324; Rules VII.B.9.)

a. The requirements relating to transition planning and transition services do not apply with respect to those students whose eligibility under Part B of the IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

b. The obligation to make FAPE available to all students with disabilities does not apply with respect to students ages 18 through 21 to the extent that State law does not require that special education and related services under Part B of the IDEA be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility (34 CFR § 300.102):

(1) Were not actually identified as being a student with a disability; and

(2) Did not have an IEP under Part B of the IDEA.

c. The exception does not apply to students with disabilities ages 18 through 21 who:

(1) Had been identified as a student with a disability and had received services in accordance with an IEP, but who left school prior to their incarceration; or

(2) Did not have an IEP in their last educational setting, but who had actually been identified as a student with a disability.

We work with Pre ETS providers to ensure each student has the opportunity to access transition services and provide input for postsecondary goals. Beginning with the IEP that will be in place when the student turns 14 and for every IEP meeting after that, parents and students are informed of outside services and agencies available. Parents are made aware of the opportunities to invite representatives of these agencies to the IEP meeting.

VII.B. GRADUATION (UCA 53E-7-202; R277-705; RULES VIII.C.)

1. The obligation of Lumen Scholar Institute to make FAPE available to all students with disabilities does not apply to students with disabilities who have graduated from high school with a regular high school diploma (34 CFR § 300.102(a)(3)(i)).

a. The exception above does not apply to students that have graduated from high school but have not been awarded a regular high school diploma (34 CFR § 300.102(a)(3)(ii)).

b. Lumen Scholar Institute may not withhold a regular high school diploma from a student who has met State or LEA graduation requirements.

c. Graduation from high school with a regular high school diploma constitutes a change in placement, requiring prior written notice that must contain all the requirements in Rule IV.D, including being given a reasonable time before Lumen Scholar Institute proposed to terminate the student's eligibility under the IDEA by issuing the student a diploma (34 CFR § 300.503).

d. The term "regular high school diploma" does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a GED (34 CFR § 300.102(a)(3)(iv)).

2. A student with a disability served by a special education program shall satisfy high school completion or graduation criteria, consistent with State and federal law and the student's IEP. Lumen Scholar Institute may modify graduation requirements consistent with the student's IEP (R277-700-6(25)). Lumen Scholar Institute may award a student a certificate of completion consistent with state and federal law and the student's IEP.

3. The IEP Team must refer to the USBE Special Education Graduation Guidelines for additional information regarding modifying graduation requirements and IEP substitutions.

VII.C. TERMINATION OF SERVICES UPON REACHING AGE 22 (R277-419-2(25)(B); RULES VII.D.)

1. If a student with a disability turns 22 any time after July 1, LEAs must continue to provide FAPE until the end of that school year.

VIII. RESPONSIBILITIES OF THE UTAH STATE BOARD OF EDUCATION

In addition to the requirements listed below, Lumen Scholar Institute provides data as required for State and Federal reports and other State functions as listed in Rules VIII.

VIII.A. GENERAL SUPERVISORY AUTHORITY

1. LEA Special Education Program Funding (Rules VIII.A.3.)

a. Lumen Scholar Institute shall provide, either singly or in cooperation with other school districts or public institutions, a free appropriate public education program for all students with disabilities who are enrolled in Lumen Scholar Institute. The program shall include necessary special facilities, instruction, and education-related services. The costs of Lumen Scholar Institute's program, or share of a joint program, shall be paid from LEA funds.

b. Lumen Scholar Institute shall receive funds under UCA Title 53F, Chapter 2, State Funding--Minimum School Program, and other applicable laws to provide special education services in accordance with the Rules.

c. Lumen Scholar Institute may, singly or in cooperation with other public entities, provide education and training for persons with disabilities who are younger than 3 or older than 22. The cost of such a program may be paid from fees, contributions, and other funds received by LEA for support of the program but may not be paid from public education funds.

d. The requirements of Part B of the IDEA and the Rules are binding on each LEA and other public agency that has direct or delegated authority to provide special education and related services in the State of Utah.

VIII.B. STATE ELIGIBILITY (34 CFR § 300.110; RULES VIII.B.3.)

1. Program Options.

a. Lumen Scholar Institute takes steps to ensure that its students with disabilities have available to them the variety of educational programs and services available to nondisabled students in the area served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

VIII.C. USBE PROGRAM MONITORING (RULES VIII.D.2-3.)

1. Lumen Scholar Institute is involved in the Utah's Program Improvement Planning System (UPIPS) monitoring system, as required under Part B of the IDEA, R277-709, and R277-114-3. Lumen Scholar Institute shall complete the required activities according to the timeline provided by the USBE staff.

2. Results of the monitoring process are publicly available, upon request.

VIII.D. PERSONNEL QUALIFICATIONS (34 CFR § 300.156; RULES VIII.K.3-5.)

1. Qualifications for special education teachers (R277-504).

The USBE and IDEA established qualifications for each person employed as a public school special education teacher in the State who teaches in an elementary school, middle school, or secondary school.

2. Related services personnel and paraeducators (R277-506 and R277-524).

The qualifications include qualifications for related services personnel and paraeducators that:

a. Are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services; and

b. Ensure that related services personnel who deliver services in their discipline or profession:

(1) Meet the requirements; and

(2) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

c. Allow paraeducators and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, in meeting the requirements of this part, to be used to assist in the provision of special education and related services under Part B of the IDEA to students with disabilities.

d. Interpreters for the Deaf.

Under UCA 35A-13-604, an individual is required to be certified as an interpreter if that individual provides interpreter services for deaf and hard of hearing students.

3. Notwithstanding any other individual right of action that a parent, adult student, or student may maintain under this part, nothing in this part shall be construed to create a right of action on behalf of an individual student or a class of students for the failure of a particular SEA, LEA, or other public agency employee to be highly qualified, or to prevent a parent or adult student from filing a State complaint about staff qualifications with the State Director of Special Education.

VIII.E. REPORTING ON SUSPENSION AND EXPULSION RATES (34 CFR § 300.170; RULES VIII.M.)

1. Through daily uploads, Lumen Scholar Institute shall report to the USBE staff, through the UTREx reporting system, on the rates of long-term suspensions and expulsions of students with disabilities and nondisabled students, including data disaggregated by race and ethnicity. The USBE staff shall examine these data to determine if significant discrepancies are occurring:

a. Between nondisabled students and students with disabilities within Lumen Scholar Institute.

2. If discrepancies are occurring, the USBE staff shall review and, if appropriate, require revisions in both USBE and LEA policies, procedures, and practices to ensure compliance with Part B of the IDEA.

3. Policies, procedures, and practices to be reviewed and, if appropriate, revised, include:

a. The development and implementation of IEPs;

b. The use of positive behavior interventions and supports; and

c. Procedural safeguards.

VIII.F. PROHIBITION ON MANDATORY MEDICATION (34 CFR § 300.174; RULES VIII.X.)

1. The USBE prohibits State and Lumen Scholar Institute personnel from requiring parents or adult students to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act for a student as a condition of attending school, receiving an evaluation, or receiving services under Part B of the IDEA (21 USC § 812(c)).

2. Nothing in Rules VIII.X.1. shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parent(s) or adult student regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services related to child find.

VIII.G.

IX. LEA ELIGIBILITY AND RESPONSIBILITIES

IX.A. LEA ELIGIBILITY FOR IDEA PART B FUNDS (34 CFR §§ 300.211–212, 220)

Federal special education funding is made available through a grant to the state from the Office of Special Education Programs (OSEP). These funds are restricted and may only be used to provide services and program for students who qualify under Part B of the IDEA. Funds are available for students who are 3–5 (section 619 Preschool) and for students age 3–21 (section 611 School-Age). Some funds are retained at the state level for administration and for state level activities. The remaining funds are distributed to Utah Local Education Agencies (LEAs) by formula.

1. Annually, the USBE staff shall notify Lumen Scholar Institute of the availability of Federal funds under Part B of the IDEA. In order to receive IDEA Part B flow-through funds, Lumen Scholar Institute must have in effect a USBE-approved special education program (Rules X.B.2.), including policies and procedures that are consistent with the Rules.

2. Lumen Scholar Institute must have a USBE-approved special education program (UCA 53F-2-307; (Rules IX.A.2). Lumen Scholar Institute's program is approved by the state board when Lumen Scholar Institute's special education policies and procedures are approved by the USBE special education staff and then by Lumen Scholar Institute's local board in a public meeting. Lumen Scholar Institute must submit documentation of the local board's approval to the USBE special education staff. The USBE approval of Lumen Scholar Institute's policies and procedures includes the approval of any supporting documentation necessary to ensure their implementation. All required minimum components of Rules A.2.a-e are addressed in this policies and procedures manual.

3. As part of establishing eligibility for Part B funds, Lumen Scholar Institute must have revised policies and procedures in alignment with the IDEA 2004 final regulations and current Rules within one year of the final USBE approval of Rules.

4. Policies and procedures submitted by Lumen Scholar Institute in accordance with this section, and approved by the USBE staff, remain in effect until any of the following occur (34 CFR § 300.220):

a. The LEA submits modifications to the USBE staff that the SEA or LEA determines are necessary;

(1) The provisions of the Rules apply to any modifications in an LEA's policies and procedures in the same manner and to the same extent as the LEA's original policies and procedures.

b. The USBE staff gives the LEA notice of a new interpretation of the IDEA by Federal or State courts, or a change in Federal statute; or

c. There is an official finding of noncompliance with Federal or State law or regulations that requires a change in the LEA's policy and procedures.

5. Lumen Scholar Institute must have on file with the USBE staff information to demonstrate that it will make available to parents of students with disabilities or adult students and to the general public all documents relating to the eligibility of the LEA under Part B of the IDEA (34 CFR § 300.212).

6. Lumen Scholar Institute creates annual improvement goals based on the State Performance Plan (SPP) and Annual Performance Report (APR) Indicators to improve outcomes for students with disabilities (Rules IX.A.2.d(2)(r)).

7. Lumen Scholar Institute collects and provides additional information which the USBE may require in order to meet Federal reporting requirements, including suspension and expulsion rates, LRE environments, disproportionality data, personnel information, and others (Rules IX.A.2.e).

IX.B. USE OF PART B FEDERAL FUNDS BY THE LEA (34 CFR §§ 300.200–206, 208)

1. Lumen Scholar Institute submits a plan that provides assurances to the USBE that Lumen Scholar Institute meets each of the conditions in Rules IX.B (34 CFR § 300.200).

2. Lumen Scholar Institute has in effect policies, procedures, and programs that are consistent with the State policies and procedures established in the Rules (34 CFR § 300.201).

3. Use of amounts (34 CFR § 300.202).

Lumen Scholar Institute has on file with the USBE staff information to demonstrate that amounts provided to the LEA under Part B of the IDEA:

a. Will be expended in accordance with the applicable provision of the Rules.

b. Will be used only to pay the excess costs of providing special education and related services to students with disabilities consistent with the Rules; and

c. Will be used to supplement State, local, and other Federal funds and not to supplant those funds.

4. The excess cost requirement prevents Lumen Scholar Institute from using funds provided under Part B of the IDEA to pay for all of the costs directly attributable to the education of a student with a disability.

5. Lumen Scholar Institute meets the excess cost requirement if it has spent at least a minimum average amount for the education of its students with disabilities before funds under Part B of the IDEA are used.

6. Maintenance of effort (34 CFR § 300.203).

a. Eligibility standard.

(1) For purposes of establishing Lumen Scholar Institute's eligibility for an award for a fiscal year, the USBE must determine that Lumen Scholar Institute budgets for the education of students with disabilities for at least the same amount, from at least one of the following sources, as Lumen Scholar Institute spent for that purpose from the same source for the most recent fiscal year f or which information is available:

(a) Local funds only;

(b) The combination of State and local funds;

(c) Local funds only on a per capita basis; or

(d) The combination of State and local funds on a per capita basis.

(2) When determining the amount of funds that Lumen Scholar Institute must budget to meet the requirement in paragraph Rules IX.B.6.a.(1), Lumen Scholar Institute may take into consideration, to the extent the information is available, the exceptions and adjustment provided in 34 CFR §§ 300.204 and 300.205 that Lumen Scholar Institute:

(a) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which Lumen Scholar Institute is budgeting; and

(b) Reasonably expects to take in the fiscal year for which Lumen Scholar Institute is budgeting.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which Lumen Scholar Institute is required to account to the Federal government directly or through the USBE may not be considered in determining whether Lumen Scholar Institute meets the standard in Rules IX.B.6.a.(1).

b. Compliance standard.

(1) Except as provided in 34 CFR §§ 300.204 and 300.205, funds provided to Lumen Scholar Institute under Part B of the IDEA will not be used to reduce the level of expenditures for the education of students with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.

(2) Lumen Scholar Institute meets this standard if it does not reduce the level of expenditures for the education of students with disabilities made by Lumen Scholar Institute from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in 34 CFR §§ 300.204 and 300.205:

(a) Local funds only;

(b) The combination of State and local funds;

(c) Local funds only on a per capita basis; or

(d) The combination of State and local funds on a per capita basis.

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which Lumen Scholar Institute is required to account to the Federal government directly or through the USBE may not be considered in determining whether Lumen Scholar Institute meets the standard of Rules IX.B.6.b.(1) and IX.B.6.b.(2).

c. Subsequent years.

(1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, Lumen Scholar Institute fails to meet the requirements of 34 CFR § 300.203 in effect at that time, the level of expenditures required of Lumen Scholar Institute for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not Lumen Scholar Institute's reduced level of expenditures.

(2) If, in any fiscal year beginning on or after July 1, 2015, Lumen Scholar Institute fails to meet the requirement of Rules IX.B.6.b.(2)(a) or IX.B.6.b.(2)(c) and Lumen Scholar Institute is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of the Rules IX.B.6.a or IX.B.6.b, the level of expenditures required of Lumen Scholar Institute for the fiscal year subsequent to the year of the failure is the amount that would have been required under Rules IX.B.6.b.(2)(a) or IX.B.6.b.(2)(c) in the absence of that failure, not Lumen Scholar Institute's reduced level of expenditures.

(3) If, in any fiscal year beginning on or after July 1, 2015, Lumen Scholar Institute fails to meet the requirement of Rules IX.B.6.b.(2)(b) or IX.B.6.b.(2)(d) and Lumen Scholar Institute is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of Rules IX.B.6.a or IX.B.6.b, the level of expenditures required of Lumen Scholar Institute for the fiscal year subsequent to the year of the failure is the amount that would have been required under Rules IX.B.6.b.(2)(b) or IX.B.6.b.(2)(d) in the absence of that failure, not Lumen Scholar Institute's reduced level of expenditures.

d. Consequence of failure to maintain effort.

(1) If Lumen Scholar Institute fails to maintain its level of expenditures for the education of students with disabilities in accordance with Rules IX.B.6.b, the USBE is liable in a recovery action under section 452 of the General Education Provisions Act (20 USC § 1234a) to return to the Department, using non-Federal funds, an amount equal to the

amount by which Lumen Scholar Institute failed to maintain its level of expenditures in accordance with Rules IX.B.6.b. in that fiscal year, or the amount of Lumen Scholar Institute's Part B subgrant in that fiscal year, whichever is lower.

(2) If the USBE is required to return funds to the Department because of Lumen Scholar Institute's failure to meet the Maintenance of Effort requirement, the USBE shall reduce the amount provided to Lumen Scholar Institute's Minimum School Program (MSP) Basic Program on a 1/12 basis.

7. Exception to maintenance of effort (34 CFR § 300.204).

Lumen Scholar Institute may reduce the level of expenditures by Lumen Scholar Institute under Part B of the IDEA below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

a. The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.

b. A decrease in the enrollment of students with disabilities.

c. The termination of the obligation of Lumen Scholar Institute, consistent with this part, to provide a program of special education to a particular student with a disability that is an exceptionally costly program, as determined by the USBE staff, because the student:

(1) Has left the jurisdiction of Lumen Scholar Institute;

(2) Has reached the age at which the obligation of Lumen Scholar Institute to provide a FAPE to the student has terminated; or

(3) No longer needs the program of special education.

d. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

e. The assumption of cost by the high-cost (i.e., Intensive Services fund) fund operated by the USBE staff.

8. Adjustment to local fiscal efforts in certain fiscal years (34 CFR § 300.205).

a. For any fiscal year for which the allocation received by Lumen Scholar Institute under Part B of the IDEA exceeds the amount the LEA received for the previous fiscal year, Lumen Scholar Institute may reduce the level of expenditures otherwise required by maintenance of efforts requirements by not more than 50 percent of the amount of that excess.

b. Use of amounts to carry out activities under ESEA/ESSA.

If Lumen Scholar Institute exercises the authority to reduce the level of expenditures due to an increase in Part B funds, Lumen Scholar Institute must use an amount of local funds equal to the reduction in expenditures to carry out activities that could be supported with funds under the ESEA/ESSA, regardless of whether Lumen Scholar Institute is using funds under the ESEA/ESSA for those activities.

c. The USBE staff must prohibit Lumen Scholar Institute from reducing the level of expenditures for a fiscal year, if the USBE staff determines that:

(1) Lumen Scholar Institute is unable to establish and maintain programs of FAPE that meet the requirements of Part B of the IDEA, or

(2) The USBE staff has taken action against Lumen Scholar Institute under Section 616 of the IDEA and subpart F of the regulations (Monitoring, Technical Assistance, and Enforcement).

d. The amount of funds expended by Lumen Scholar Institute for mandatory or voluntary Coordinated Early Intervening Services (CEIS) shall count toward the maximum amount of expenditures that Lumen Scholar Institute may reduce under the requirements of this section.

9. If the USBE staff determines that Lumen Scholar Institute is not meeting the requirements of the Rules, the USBE staff may prohibit Lumen Scholar Institute from treating funds received under Part B of the IDEA as local funds under this section for any fiscal year, but only if it is authorized to do so by the State constitution or State statute.

10. School-wide programs under Title I of the ESEA/ESSA (34 CFR § 300.206).

a. Lumen Scholar Institute may use funds received under Part B of the IDEA for any fiscal year to carry out a school-wide program under section 1114 of the ESEA/ESSA, except that the amount used in any school-wide program may not exceed the amount received by the LEA under Part B of the IDEA for that fiscal year:

(1) Divided by the number of students with disabilities in the jurisdiction of the LEA; and

(2) Multiplied by the number of students with disabilities participating in the school-wide program.

b. The funds described in this section must be considered as Federal Part B funds for purposes of the calculations required for excess costs and supplanting.

c. The funds may be used without regard to the requirements of 34 CFR § 300.202(a)(1) of the IDEA.

d. All other requirements of Part B of the IDEA must be met by Lumen Scholar Institute using Part B funds for school-wide programs under section 1114 of the ESEA/ESSA, including ensuring that students with disabilities in school-wide program schools:

(1) Receive services in accordance with a properly developed IEP; and

(2) Are afforded all the rights and services guaranteed to students with disabilities under Part B of the IDEA.

IX.C. LUMEN SCHOLAR INSTITUTES AND THEIR STUDENTS (34 CFR § 300.209; RULES IX.C.)

1. Students with disabilities ages 3 through 21 who attend public Lumen Scholar Institutes and their parent(s) or adult students retain all rights under Part B of the IDEA and Rules.

2. Lumen Scholar Institute receives funding under Part B or State special education funding and is responsible for ensuring that all of the requirements of Part B of the IDEA and Rules are met. Lumen Scholar Institute may not refer potential or enrolled students with disabilities back to their school district of residence due to a disability, child find, or need for special education and related services, including placements.

3. Nothing in Rules prohibit school districts and Lumen Scholar Institutes from developing a Memorandum of Understanding (MOU) to address student specific needs and/or placements.

IX.D. COORDINATED EARLY INTERVENING SERVICES (CEIS) (34 CFR § 300.226; RULES IX.D.)

1. Lumen Scholar Institute may not use more than 15 percent of the amount Lumen Scholar Institute] receives under Part B of the IDEA for any fiscal year, less any amount reduced by the LEA pursuant to maintenance of effort, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated early intervening services (CEIS), which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

2. In implementing CEIS, Lumen Scholar Institute may carry out activities that include:

a. Professional learning (which may be provided by entities other than LEAs) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavior interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and

b. Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

3. CEIS may not be used to limit or create a right to FAPE under Part B of the IDEA or to delay appropriate evaluation of a student suspected of having a disability.

4. Lumen Scholar Institute must annually report to the USBE staff on:

a. The number of students served under this section who received early intervening services; and

b. The number of students served under this section who received early intervening services and subsequently receive special education and related services under Part B of the IDEA during the preceding two-year period.

5. Funds made available to carry out this section may be used to carry out coordinated early intervening services aligned with activities funded by, and carried out under, the ESEA/ESSA if those funds are used to supplement, and not supplant, funds made available under the ESEA/ESSA for the activities and services assisted under this section. LEAs should refer to the USBE CEIS Technical Assistance for additional information.

IX.E. PERSONNEL DEVELOPMENT (34 CFR § 300.207; RULES IX.E.)

1. Lumen Scholar Institute must ensure that all personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, subject to the requirements related to personnel qualifications and section 2122 of the ESEA/ESSA, as well as 34 CFR § 300.156; R277-504, R277-506, R277-520, and R277-524.

2. Paraeducators, when used to carry out Part B of the IDEA, must be appropriately trained and supervised, and utilized in accordance with USBE Paraeducator Standards.

3. Lumen Scholar Institute shall provide documentation of paraeducator training and supervision to USBE staff upon request.

IX.F. LEA PROVISION OF FAPE (34 CFR § 300.101; RULES IX.G.)

1. Lumen Scholar Institute will oversee the caseload of each special educator (including psychologists, social workers, speech-language pathologists, occupational therapists, physical therapists, adapted PE specialists, and any other related servers) to ensure that a free appropriate public education is available to all eligible students with disabilities

IX.G. ROUTINE CHECKING OF HEARING AIDS AND EXTERNAL COMPONENTS OF SURGICALLY IMPLANTED MEDICAL DEVICES (34 CFR § 300.113; RULES IX.H.)

1. Hearing aids. Lumen Scholar Institute must ensure that hearing aids worn in school by students with hearing loss, including deafness, are functioning properly.

2. External components of surgically implanted medical devices.

a. Subject to Rules IX.H.2.b, each public agency must ensure that the external components of surgically implanted medical devices are functioning properly.

b. For a student with a surgically implanted medical device who is receiving special education and related services, Lumen Scholar Institute is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device).

IX.H. EDUCATOR LICENSE REQUIREMENTS (R277-504; R277-506; R277-520; RULES IX.I.)

DIRECTIONS:

Professionals providing services to students with disabilities must hold a Utah Professional Educator License or Endorsement in the area in which they provide services. This includes special education teachers, speech/language pathologists, school psychologists, school social workers, and other professionals. Physical and occupational therapists must hold appropriate Utah licensure. Lumen Scholar Institute administrator, or the Lumen Scholar Institute administrator who supervises the Special Education Department shall be responsible for the evaluation of the appropriateness of licenses and endorsements when assigning staff members. Lumen Scholar Institute refers to the USBE Teaching, Leadership, and Paraeducator Standards.

1. *Special Education (K–12) License* area of concentration means the license required for teaching students with disabilities in kindergarten through grade 12. Special Education areas of concentration carry endorsements in at least one of the following areas (R277-504-2(13)(a)):

a. Mild/Moderate Disabilities,

b. Severe Disabilities,

c. Deaf and Hard of Hearing,

d. Blind and Visually Impaired, and

e. Deafblind.

2. Teachers providing services to the single category of Speech Language Impairment must hold the appropriate license, endorsement, or area of concentration in the category of Speech Language Impairment (R277-506).

3. Teachers assigned to teach academic subjects in elementary and secondary special education programs must, in addition to their special education license, meet the standards for personnel under the USBE and the ESEA/ESSA.

4. School social workers and school psychologists providing services to students with disabilities must be licensed by the USBE (R277-506).

5. Individuals providing psychological evaluation services for students with disabilities must hold a Utah education license for school psychologists or State licensure and meet the assessment publisher's criteria for administration (R277-506).

IX.I. PURCHASE OF INSTRUCTIONAL MATERIALS IN ACCESSIBLE FORMATS (34 CFR § 300.210; RULES IX.J.)

1. Lumen Scholar Institute chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, and must acquire those instructional materials in the same manner, and subject to the same conditions as the USBE under Rules VIII.W.

2. Nothing in this section relieves Lumen Scholar Institute of its responsibility to ensure that students with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

3. For all purposes of this section, the USBE defines timely manner as follows: the SEA and LEAs must take reasonable steps to provide instructional materials in accessible formats to students with disabilities who need those instructional materials at the same time as other students receive instructional materials.

X. SPECIAL EDUCATION FUNDING (RULES X.)

As the State Education Agency (SEA), the USBE has a responsibility under both Federal and State law to monitor implementation of the IDEA by LEAs through a system of general supervision that improves

educational results and functional outcomes and ensures that public agencies meet program requirements. The special education program that is funded both from federal and state funds and it is critical to understand the similarities and differences of these funding sources.

“Federal special education funds” means funds paid to the State under IDEA Part B for the purposes of special education.

“State special education funds” means state funds appropriated to public education for the purposes of special education.

Federal special education funds are calculated, allocated, and classified differently than state special education funds. Rules X outline the regulations, restrictions, and allowable costs and activities applicable to each funding source; some requirements are the same for both funding sources and some provisions apply only to one or the other.

X.A. STATE SPECIAL EDUCATION FUNDS GENERALLY (RULES X.A.)

1. State special education funds may be spent only for direct costs, as outlined in Rules. Direct costs are those elements of cost which can be easily, obviously, and conveniently identified with specific special education activities or programs, as distinguished from those costs incurred for several different activities or programs and whose elements are not readily identifiable with specific special education activities.

2. State special education funds are appropriated to the Minimum School Program (MSP) and provide restricted (categorical) monies that must be spent for the education of students with disabilities.

X.B. ALLOCATION OF STATE SPECIAL EDUCATION FUNDS FOR PROGRAMS FOR STUDENTS WITH DISABILITIES (UCA 53F-2-307; R277-479; RULES X.B.3.)

1. Lumen Scholar Institute must be current with the Utah Program Improvement Planning System (UPIPS) monitoring requirements, including correction of noncompliance within one year of notification, annual Corrective Action Plan (CAP) and Program Improvement Plan (PIP) reports, and desk audit submissions to be eligible for State special education funds.

X.C. SPECIAL EDUCATION ADD-ON ALLOWABLE USE (FUND 1205) (UCA 53F-2-307(1); RULES X.C.)

1. Lumen Scholar Institute will use Special Education add-on funds in accordance with Rules X.B. and to cover the direct costs of providing special education to students with disabilities.

X.D. SPECIAL EDUCATION SELF-CONTAINED ALLOWABLE USE (FUND 1210) (UCA 53F-2-307(3); RULES X.E.)

1. “Self-contained” means a public-school student with an IEP or a youth in custody/care (YIC) who receives 180 minutes or more of special education or YIC services during a typical school day per R277-419-2(35).

2. Lumen Scholar Institute will use Special Education Self-Contained funds only for direct costs attributable to the cost of the special education of students with disabilities whose placement is a special class or self-contained environment.

X.E. STATE SPECIAL EDUCATION IMPACT AID ALLOWABLE USE (FUND 1225) (UCA 53F-2-307(1); RULES X.I.)

1. Lumen Scholar Institute will use state special education funds for direct costs attributable to the cost of administering the special education program as follows:

a. Costs for students in state custody (prisons, detention facilities, and the state hospital)

b. Additional costs attributable for services to students with low-incidence disabilities

X.F. STATE SPECIAL EDUCATION EXTENDED SCHOOL YEAR (ESY) ALLOWABLE USE (FUND 1220) (UCA 53F-2-308(2); RULES X.K.)

1. Lumen Scholar Institute will use state special education funds for direct costs attributable to the cost of extended year services (ESY) provided to students with disabilities, determined by the student's IEP team to require ESY in order to receive a FAPE and in accordance with R277-751.

X.G. STATE EXTENDED SCHOOL YEAR STIPEND FOR SPECIAL EDUCATORS (EYSE) ALLOWABLE USE (FUND 1278) (UCA 53F-2-310; RULES X.M.)

1. Lumen Scholar Institute will use state special education funds for salaries and allowable benefits of Special Education Teachers, or Speech Language Pathologists who provide eligible services under R277-525-2.

2. A special educator receiving a stipend shall: (a) work an additional day beyond the number of days contracted with the special educator's school district or school for each daily stipend; (b) schedule the additional days of work before or after the school year; and (c) use the additional days of work to perform duties related to the IEP process, including: administering student assessments, conducting IEP meetings, writing IEP's, conferring with parent(s) or adult students, and preparing and maintaining records.

X.H. STATE SPECIAL EDUCATION INTENSIVE SERVICES ALLOWABLE USE (FUND 1230) (UCA 53F-2-309(1); RULES X.O.)

1. Lumen Scholar Institute will use state special education funds for direct costs attributable to the cost of implementing IEPs for students with disabilities.

2. Cost of services to a student with a disability must be in excess of three times the annual average per pupil expenditure (APPE) as calculated by USBE Financial Operations.

3. Costs must meet the eligibility requirements outlined in R277-752.

X.I. STATE SPECIAL EDUCATION FUNDS ALLOWABLE USE (RULES X.P.)

1. As stated in X.B., state special education funds may be spent only for direct costs, as outlined in the Rules. Direct costs are those elements of cost which can be easily, obviously, and conveniently identified with specific special education activities or programs, as distinguished

from those costs incurred for several different activities or programs and whose elements are not readily identifiable with specific special education activities. (Rules X.A.1.).

2. Lumen Scholar Institute will use state special education funds for the costs of providing for specially designed instruction, related services, and supplementary aids and services provided in a regular class or other education-related setting to a student with a disability in accordance with the IEP of the student.

3. Lumen Scholar Institute will use state special education funds for the costs of including peer models in IEP services that require a peer model.

4. Lumen Scholar Institute will use state special education funds for the costs of providing co-teaching, in which both a licensed general educator and licensed special education teacher plan and provide specially designed instruction.

5. Lumen Scholar Institute follows the allowable use of state special education funds as listed in Rules X.P.6.

X.J. ALLOWABLE COSTS FOR FEDERAL (IDEA) SPECIAL EDUCATION FUNDS (RULES X.R.1.; 4-7.)

1. Funds paid to the State under IDEA Part B for the purposes of special education ("Federal special education funds") are calculated, allocated, and classified differently than State special education funds.

2. Lumen Scholar Institute will use Federal special education funds for the costs of providing for specially designed instruction, related services, and supplementary aids and services provided in a regular class or other education-related setting to a student with a disability in accordance with the IEP of the student.

3. Lumen Scholar Institute will use Federal special education funds for the costs of providing inclusive special education preschool services are an allowable excess cost under IDEA (34 CFR § 300.16).

4. Lumen Scholar Institute will use Federal special education funds for the costs of including peer models in IEP services that require a peer model.

5. Lumen Scholar Institute will use Federal special education funds for the costs of providing co-teaching, in which both a licensed general educator and licensed special education teacher plan and provide specially designed instruction.

6. Lumen Scholar Institute follows the allowable use of Federal special education funds, as listed in Rules X.R.8.

STAKEHOLDER GRIEVANCE

Original Adopted Date: 08/11/2025 | Last Revise Date: 05/11/2018

Definitions

1. Grievance means a written submission from any individual within the School community (i.e. student, parent, employee) who sets forth the allegation that there has been a violation of any school policy, reasonable and accepted practices, or state or federal rule or law, and specifically identifies the policy, practice, rule or statute violated.

2. Grievant means any individual or group of individuals aggrieved by a decision or condition falling under policy, reasonable and accepted practices, or state or federal rule or law.

3. Organizational Structure means the school's framework for addressing all grievances varies depending on the area of alleged violation. Below is the framework used for grievance procedures in this policy:

Instruction	Special Education	Other Operations
Assigned Teacher	Special Education Teacher	Directly Involved Party
Education Coordinator, Assistant Director, or equivalent	Special Education Director	Assistant Director/Education Coordinator or Equivalent
Director	Director	Director
Board of Trustees	Board of Trustees	Board of Trustees

Policy

1. Step I: Any individual alleging a grievance is encouraged to resolve the problem, if possible, through a discussion with the person or persons suspected of a violation, beginning at the lowest level of organizational structure:

a. Students and parents should discuss course concerns first with assigned course instructor;

b. Employees should discuss concerns first with directly involved parties; and

c. When individuals hear grievances or receive formal grievances, they should make sure that Grievants or potential Grievants have first attempted in good faith to resolve problems with persons directly involved.

2. Step II: In the event that the informal discussion with the directly involved parties does not resolve the issue, the Grievant shall file a formal written Grievance form with the next responsible individual in the organizational structure. Grievance forms are available on the school's website:

a. The grievance must be filed within twenty (20) working days of the date the Grievant knew, or should have known, of the circumstances that precipitated the grievance; and

b. The responsible individual shall respond in writing, within five (5) working days following receipt of the grievance.

c. The Grievant shall have fifteen (15) working days to initiate Step III if the response from the Next Responsibly Individual is not acceptable.

3. Step III: If the response (decision) at Step II does not resolve the problem, the Grievant shall forward the grievance to the Director to initiate Step III:

a. The Director shall investigate the grievance with the parties concerned in the grievance within ten (10) working days of it having been filed in Step II. The School Director may choose to convene a committee of two or three additional administrators or members of the faculty as part of the investigation of a grievance and in order to recommend a decision on the issue of grievance;

b. At the conclusion of the investigation, the School Director shall render a decision and issue a written report to the Grievant and the Board of Trustees' Secretary, setting forth his/her findings and recommendations for the resolution of the grievance within five (5) working days;

c. The grievance shall be considered resolved if the Grievant and the Board of Trustees accepts the recommendations of the School Director;

d. If no written report has been issued within the time limits set forth in Step III above, or if the Grievant shall reject the recommendations of the School Director, the Grievant shall have the right to appeal to the Board of Trustees for review of the grievance at Step IV; and

e. NOTE: If the grievance is between the Director and an employee, the Director shall skip number 1 and issue a written report to the Grievant and the Board of Trustees' Secretary, setting forth his/her recommendations for the resolution of the grievance within five (5) working days. Numbers 3 and 4 of this step shall apply after the written report is issued.

4. Step IV: A Grievant may appeal to the Board of Trustees for a hearing of Due Process:

a. A written request for Board of Trustees' review of the grievance must be submitted to the Board Secretary within ten (10) days of the date of the Director's report or the expiration of the time limits set forth in Step III;

b. The Board of Trustees shall review the grievance and the Director's report, and may hold a hearing;

c. The Board of Trustees may affirm the Director's recommendations, amend the recommendations, or affirm the recommendations in part and amend in part;

d. The Board of Trustees' written decision shall be issued by the Board Secretary within 21 working days of receipt of the Grievant's written appeal; and

e. If no written decision has been issued within the time limit set forth in Step 4 above or if the Grievant shall reject the decision of the Board of Trustees, the Grievant shall be free to pursue such litigation or statutory remedy as the law may provide.

5. Miscellaneous Provisions:

a. The Grievant is informed that the time limits set forth in this policy may be modified or extended if mutually agreed by the employee, or

his/her designated representative and the school administration. If either party wishes to change the timeline set forth in this policy, the party will request the modification(s) from the other party and both parties will be required to agree to the modification(s). The Director will issue a letter of understanding to the parties outlining the modified timeline;

b. No person shall suffer recrimination or discrimination because of participation in this grievance procedure;

c. Employees shall be free to testify regarding any grievance filed hereunder;

d. Confidentiality shall be maintained at all times by all parties. A confidentiality statement shall be included in each written correspondence from the school;

e. A representative of his/her choice may accompany the Grievant in all stages of these Proceedings;

f. The business manager will maintain records of all grievances. The records will be kept in a separate and confidential file. Information and conversations regarding grievances will be classified as private; and

g. Gossip among school employees will not be tolerated. When employees have concerns they should follow the procedure in this policy to resolve such concerns. Gossip undermines the efforts of all employees to operate a successful school and may be grounds for disciplinary action, up to and including termination of Employment.

h. The school will include written instructions on the next steps and the timelines set forth in the policy in every correspondence to the Grievant.

These next steps will include instructions for the Grievant to respond back to the school whether the resolutions set forth is acceptable. If the Grievant reaches the Board level, the decision is final and no response from the Grievant is necessary.

EXHIBIT ONLY: See fillable form at lumenscholar.org under notifications

Stakeholder Grievance Form

NAME:_____ POSITION/TITLE: _____

(If parent or student, put "parent" or "student")

DAYTIME PHONE: _____

INSTRUCTIONS: This grievance procedure has four steps. The first step is Informal Resolution. The second and third steps are a written Formal Grievance filed with the Next Responsible Individual (Step 2) and then the School Director, if needed (Step 3). The fourth step, if needed, is a Grievance Review by the Board of Trustees. This form may be used by an employee, parent, or student to initiate a formal grievance in Step 2.

Before initiating a grievance, the Grievant shall review the complete Stakeholder Grievance Policy, available lumenscholar.org under Board of Trustees.

Step 1: INFORMAL RESOLUTION

The first step of the grievance process is the Informal Resolution. You and any involved party are encouraged to resolve the issue at this step.

Step 2: FORMAL GRIEVANCE—NEXT RESPONSIBLE INDIVIDUAL

If you do not resolve your grievance with the Informal Resolution at Step 1, you have fifteen (15) working days from the date of the event to file a written Formal Grievance. The written grievance is considered filed when it is submitted to the Next Responsible Individual (please see the Stakeholder Grievance Policy for this information).

You must provide the following information:

1. The date of the event that is a violation of law or policy leading to the grievance.

_____

2. A specific statement of the law, rule, policy, and/or acceptable practice violated. What action or conduct constituted the violation and what happened? Please use additional sheets of paper if necessary.

_____

_____

Total number of pages attached: _____

3. The resolution or remedy you desire. Please use additional sheets of paper if necessary:

_____
_____
_____
_____
_____

Total number of pages attached: _____

Grievant's signature and date filed with Next Responsible Individual:

_____

Grievant's Signature Date

_____

Next Responsible Individual's Signature Date Received

STEP 3: FORMAL GRIEVANCE—DIRECTOR

If you do not resolve your grievance with the Next Responsible Individual at Step 2, you may advance to Step 3 by notifying the appropriate Director as outlined in the Stakeholder Grievance policy. This notification must be in writing on this form and must be received by the Director within fifteen (15) working days of your receipt of the Next Responsible Individual's response at Step 2. Please use additional sheets of paper if necessary.

_____
_____
_____
_____
_____
_____

Total number of pages attached: _____

Grievant's signature and date filed with the Director:

_____

Grievant's Signature Date

_____

Director's Signature Date Received

STEP 4: BOARD OF TRUSTEES REVIEW OF GRIEVANCE

If you do not resolve your grievance with the Director at Step 3, you may advance to Step 4 by notifying the Secretary of the Board of Trustees, as outlined in the Stakeholder Grievance policy. This notification must be in writing on this form and must be received by the Secretary of the Board of Trustees within ten (10) working days of your receipt of the Director's response at Step 3. Please use additional sheets of paper if necessary.

_____
_____
_____
_____
_____
_____

Total number of pages attached: _____

Grievant's signature and date filed with the Secretary of the Board of Trustees:

_____

Grievant's Signature Date

_____

Secretary of Board of Trustees Signature Date Received

STAFF CODE OF CONDUCT

1. PURPOSE AND PHILOSOPHY

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

2. DEFINITIONS

a) “Boundary violation” means crossing verbal, physical, emotional, or social lines that staff must maintain in order to ensure structure, security, and predictability in an educational environment.

i) A "boundary violation" may include the following, depending on the circumstances:

(1) isolated, one-on-one interactions with a student out of the line of sight of others;

(2) meeting with a student in rooms with covered or blocked windows;

(3) telling risqué jokes to, or in the presence of a student;

(4) employing favoritism to a student;

(5) giving gifts to individual students;

(6) staff member initiated frontal hugging or other uninvited touching;

(7) photographing an individual student for a non-educational purpose or use;

(8) engaging in inappropriate or unprofessional contact outside of educational program activities;

(9) exchanging personal email or phone numbers with a student for a non-educational purpose or use;

(10) interacting privately with a student through social media, computer, or handheld devices; and

(11) discussing an employee’s personal life or personal issues with a student.

ii) "Boundary violation" does not include:

(1) offering praise, encouragement, or acknowledgment;

(2) offering rewards available to all who achieve;

(3) asking permission to touch for necessary purposes;

(4) giving a pat on the back or a shoulder;

(5) giving a side hug;

(6) giving a handshake or high five;

(7) offering warmth and kindness;

(8) utilizing public social media alerts to groups of students and parents; or

(9) contact permitted by an IEP or 504 plan.

b) “Grooming” means befriending and establishing an emotional connection with a child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.

c) “Sexual conduct” includes any sexual contact or communication between a staff member and a student including but not limited to:

i) “Sexual abuse” means the criminal conduct described in Utah Code §76-5-404.1(2) and includes, regardless of the gender of any participant:

(1) touching the anus, buttocks, pubic area, or genitalia of a student;

(2) touching the breast of a female student; or

(3) otherwise taking indecent liberties with a student;

(4) with the intent to:

(a) cause substantial emotional or bodily pain; or

(b) arouse or gratify the sexual desire of any individual.

ii) “Sexual battery” means the criminal conduct described in Utah Code §76-9-702.1 and includes intentionally touching, whether or not through clothing, the anus, buttocks, or any part of the genitals of a student, or the breast of a female student, and the actor’s conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the student touched; or

iii) A staff member and student sharing any sexually explicit or lewd communication, image, or photograph.

d) “Staff member” means an employee, contractor, or volunteer with unsupervised access to students.

e) “Student” means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.

3. POLICY

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

a) Staff members shall recognize and maintain appropriate personal boundaries in teaching, supervising and interacting with students and shall avoid boundary violations including behavior that could reasonably be considered grooming or lead to even an appearance of impropriety.

b) A staff member may not subject a student to any form of abuse including but not limited to:

   i) physical abuse;

   ii) verbal abuse;

   iii) sexual abuse; or

   iv) mental abuse.

c) A staff member shall not touch a student in a way that makes a reasonably objective student feel uncomfortable.

d) A staff member shall not engage in any sexual conduct toward or sexual relations with a student including but not limited to:

   i) viewing with a student, or allowing a student to view, pornography or any other sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format;

   ii) sexual battery; or

   iii) sexual assault.

e) Staff member communications with students, whether verbal or electronic, shall be professional and avoid boundary violations.

f) A staff member shall not provide gifts, special favors, or preferential treatment to a student or group of students.

g) A staff member shall not discriminate against a student on the basis of sex, religion, national origin, gender identity, sexual orientation, or any other prohibited class.

h) Staff member use of electronic devices and social media to communicate with students must comply with School policy, be professional, pertain to school

activities or classes, and comply with the Family Educational Rights and Privacy Act.

i) A staff member may not use or be under the influence of alcohol or illegal substances during work hours on school property or at school sponsored events while acting as a staff member. Additionally, a staff member may not use any form of tobacco or electronic cigarettes on school property or at school sponsored activities in an employment capacity.

j) A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that, if proven, would violate this policy.

k) The School recognizes that familial relationships between a staff member and a student may provide for exceptions to certain provisions of this policy.

l) Conduct prohibited by this policy is considered a violation of this policy regardless of whether the student may have consented.

4. REPORTING

a) A staff member who has reason to believe there has been a violation of this policy shall immediately report such conduct to an appropriate supervisor or school administrator. If a staff member has reason to believe that an administrator has violated this policy, the staff member shall immediately report the conduct to the president of the Board of Trustees.

b) In addition to the obligation to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services under Utah Code § 62A-4a-403 and the School's child abuse and neglect reporting policies:

   i) a staff member who has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately report the belief and all other relevant information to the supervising administrator; and

   ii) if the staff member suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the supervising administrator shall immediately report that information to the Utah Professional Practices Advisory Commission;

   iii) a person who makes a report under this subsection in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.

c) A staff member who has knowledge of suspected incidents of bullying shall immediately notify the School's Director in compliance with the School's policy on bullying and hazing.

d) Failing to report suspected misconduct as required herein is a violation of this policy, the Utah Educator Standards, and in some instances, state law, and may result in disciplinary action.

5. TRAINING

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

b) The School will annually provide training to staff regarding this policy.

c) Staff members will annually sign a statement acknowledging that the staff member has received training and has read and understands this policy.

6. VIOLATIONS

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

LUMEN SCHOLAR INSTITUTE CODE OF CONDUCT

STAFF MEMBER ACKNOWLEDGEMENT

Name: _____ Position: _____

Date of Training: _____ Trained by: _____

I received training about the requirements of the Lumen Scholar Institute Staff Code of Conduct Policy. I have read and I understand the requirements of the policy and understand that I am responsible to recognize and maintain appropriate personal boundaries while interacting with students. I also understand that if I have reason to

believe a staff member is violating the Code of Conduct, I will report my suspicions to the School's supervising administrator.

Signature of Staff Member

_____

Date

STUDENT ATTENDANCE

Original Adopted Date: 02/18/2021| **Last Revised Date**: // 01/16/2025 | **Last Reviewed Date**: 01/16/2025

Policy

1. The Board of Trustees of Lumen Scholar Institute (the "School") is committed to compliance with the state's compulsory education requirements for students between the ages of six and 18. Compliance with the state's compulsory education requirements includes following state laws and administrative rules regarding excused and unexcused absences, recording attendance, truancy, absenteeism and truancy prevention and intervention, released-time classes, hospital and homebound services, and exemptions from attendance.

2. The Board recognizes regular student attendance is a significant component of a student's achievement and academic success and has a cumulative effect of establishing life-long positive traits like responsibility, determination, and punctuality, that are critical for developing college and career readiness skills.

3. The Board also recognizes that a student's membership and enrollment status is a critical component for academic and fiscal administration of education. The School shall establish an attendance validated program and/or a learner validated program to track student attendance and determine student membership status. All enrollment measurements used by the School shall be documented in the School's Student Information System (SIS).

4. The Board delegates to the Administration the responsibility to develop an attendance validated program and/or a learner validated program and accompanying enrollment measurements, develop school-wide attendance plans, follow policy and state requirements, promote and monitor regular attendance, resolve absenteeism and truancy issues, and enforce state truancy laws.

5. The Board directs the Administration to establish administrative regulations that will help the School implement and comply with this policy. The Administration may revise and update such administrative regulations as the Administration deems necessary.

Utah Code § 53G-6-201 *et. seq*; Utah Administrative Code R277-419

***This policy replaces the Continuing Enrollment Policy last revised on 05/30/19

STUDENT ATTENDANCE - REGULATION

Original Adopted Date: 10/01/2021 | Revised Date: 08/15/2024| Last Reviewed Date: 08/15/2024
ADMINISTRATIVE REGULATION

Attendance at Lumen Scholar Institute is integral to the success of the student. A student is considered in violation of the school's attendance policy and regulations for any of the following reasons:

1. Student Total Days Attended - The school uses continuing enrollment measures to track student attendance for synchronous classes. Students must have less than 10 absences each semester in order to be advanced to the next grade level or course.

Synchronous Instruction Time per Course Grades K-6 = 2 hours per week

Grades 7-9 = 2 hours per week

High School = 1.5 hours per week

2. Assignment Completion Rates - The school subscribes to a minimum assignment completion rate of 80% for all courses. Students must complete and pass all assignments during the specified time allotted for each assignment. Teachers have the autonomy to extend assignment due dates for extenuating circumstances for up to two weeks beyond the established due date. The principal will consult with the teacher if a longer extension is requested. Teachers will monitor student completion and will determine weekly if all work is completed as assigned. If the assigned work for the week has not been completed by Friday, the student will be marked in Skyward as not completing the learner validated portion of the week.

Assignments are used to determine whether a student has completed the Learner Validated portion of a course. All of the assigned work due during the week is reported in the student information system on Fridays as completed or not completed.

The administrative team will send weekly letters to parents notifying them of their student's attendance policy and regulation violations. The school administrative team has the authority to review students' attendance and make final determinations on eligibility for grade or course level advancement.

3. Language and Definitions - The applicable language and definitions in Utah Code § 53G-9-804(1)(a) and Utah Code §§ 53G-6-201 through 53G-6-211 apply with respect to the enforcement of the school's attendance policy

and regulations.

4. Notices of Compulsory Education Violation - The school may issue a notice of compulsory education violation to a parent of a school-age child who is in grades 1 through 6 if the student is truant at least 5 times during the school

year. Any such notices shall be issued in accordance with Utah Code § 53G-6-202.

5. Notices of Truancy - The school may issue a notice of truancy to a school-age child who is in grade 7 or above, at least 12 years old, and is truant at least 5 times during the school year. Any such notice shall be issued in accordance

with Utah Code § 53G-6-203.

6. Habitual Truancy Referrals - In accordance with Utah Code § 53G-8-211, the school shall refer a student who is a habitual truant to an evidence-based alternative intervention described in Utah Code § 53G-8-211(3). If the student who is a habitual truant refuses to participate in an evidence-based alternative intervention, the school shall refer the

student for prevention and early intervention youth services, as described in Section 80-5-201, by the Division of Juvenile Justice and Youth Services. The school may only refer a student who is a habitual truant to a law enforcement officer or agency or a court if:

a. The student was previously alleged of being a habitual truant at least twice during the same school year; and

b. The student was referred to an evidence-based alternative intervention, or for prevention and early intervention

youth services, as described above for at least two of the previous habitual truancies.

7. Chronic Absenteeism Prevention and Intervention Measures – The school will establish chronic absenteeism prevention and intervention measures to encourage good attendance, improve academic outcomes, and reduce negative behaviors. Through these measures, the school hopes to create a trusting relationship between teachers, students, and parents.

a. The school's efforts to prevent chronic absenteeism include but are not limited to:

i. [insert prevention measure/effort][PN1] ;

ii.

iii.

b. The school will seek to help students struggling with absenteeism (including chronically absent students) through implementing research or evidence-based absenteeism and dropout prevention interventions. These interventions

include but are not limited to:

i. [insert intervention][PN2] ;

ii.

iii.

8. Appeals Process – Parents who believe that all or part of their student's unexcused absences or tardies should be considered excused, or if they want to contest a notice of truancy, notice of compulsory education violation, or any disciplinary action taken against their student pursuant to the school's attendance policy or regulations, shall follow

the school's Stakeholder Grievance Policy.

9. Students with Disabilities - If students with disabilities under the Individuals with Disabilities Education Act, or students protected under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, have excessive absences, including but not limited to absences for mental or behavioral health reasons, and fall within the

criteria of this regulation, the school will ensure that this regulation is applied in a manner consistent with all applicable state and federal laws and regulations. Excused absences for known mental or behavioral health reasons

do not absolve the school of FAPE responsibilities.

10. State Reporting - The school shall annually report the following data separately to the Utah State Board of

Education:

a. Absences with a valid excuse; and

b. Absences without a valid excuse.

[PN1]Examples: careful monitoring of absences, educating students and parents on school's attendance policies and procedures and expectations, providing incentives or rewards for good attendance, contacting parents after a student reaches 4 unexcused absences, issuing notices of truancy or compulsory education violations (as applicable) after 5 unexcused absences, etc.

[PN2]Examples of interventions from Utah Code 53G-6-206 include mentorship programs, counseling, family connection to community resources, academic support thru small groups or individualized tutoring or similar methods, teaching executive function skills (planning, goal setting, understanding and following multi-step directions, and self regulation), issuing notices of truancy or compulsory education volation, making adustments to student's schedule or curriculum, participating in truancy mediations, meetings with student, parents, and teacher, etc.

STUDENT CONDUCT AND DISCIPLINE

Original Adopted Date: 10/13/2015 | **Last Revised Date:** 06/20/2024 | **Last Reviewed Date:** 06/20/2024

Purpose

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

Definitions

1. Suspension means a temporary removal of a student from School-related and School-sponsored activities for a period of up to one (1) year. A student who is suspended may, at the administration's discretion, have access to homework, tests, and other schoolwork but will not be allowed to attend or participate in any classes or other School activities during the period of suspension.
2. Expulsion means the formal process of dismissing a student from School. Recognizing that students who commit violent or disruptive acts may pose safety problems, the School will work with parents to provide alternative educational placement and programs for the student where appropriate and feasible. However, the administration retains the authority to exclude the student from all programs or activities for the period of expulsion.
3. Gang means any ongoing organization, association or group of three or more persons, whether formal or informal, having as one its primary activities the commission of criminal acts, which has a unique name or identifiable signs, symbols, or marks, and whose members individually or collectively engage in criminal or violent behavior to persons or property, or who create an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of a school.
4. Change of Placement (for Students with Disabilities under IDEA and Section 504) means the removal of a student with a disability from the student's current educational placement. A "change of placement" occurs if the removal is for more than ten (10) consecutive school days or

the student is subjected to a series of removals that constitute a pattern because they total more than ten (10) school days in a school year or because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. Any "change of placement" requires compliance with the procedures outlined in Section I of this policy.

5. Disruptive Student Behavior means the behavior identified as grounds for suspension or expulsion described in Section C, below.
6. Parent means a custodial parent of a school-age child, a legally appointed guardian of a school-age child, or any other person purporting to exercise any authority over the child which could be exercised by a person described above.
7. Qualifying Minor means a school-age child who is at least nine years old, or turns nine years old at any time during the school year.
8. School Year means the period of time designated as the school year by the Board in the calendar adopted each year.
9. School-age child means a minor who (i) is at least six years old but younger than 18 years old; and (ii) is not emancipated.

Policy

A. **Beliefs, Expectations, and Philosophy**
   1. The School will foster a school and community-wide expectation of good citizenship for students and a sense of responsibility in the school community for rules and standards of behavior. The School will promote and require:
      a. Student responsibility for learning and behavior;
      b. Student conduct that produces a proper learning environment and respect for the personal, civil, and property rights of all members of the School community; and
      c. Parents and guardians of all students to assume proper responsibility for their students' behavior and to cooperate with School authorities in encouraging student self-discipline and discouraging behavior that is disruptive to the School's educational program.
   2. The School's beliefs and expectations set a positive and inviting culture for dealing with student behavior issues:
      a. Beliefs:
         i. Punishment alone will not change behavior;
         ii. Much aggressive behavior is a relationship problem, not a behavior problem;
         iii. Adults must model the behaviors they expect from the students; and
         iv. We expect conflicts, but we expect conflicts to be resolved and relationships mended.
      b. Expectations:
         i. Students will show respect for other students;
         ii. Students will show respect for adults;
         iii. Adults will show respect for students; and

iv. Students will develop self-discipline.

3. The School recognizes that establishing a procedural philosophy consistent with the desired positive school environment is as important as following legal and due process procedures. The School's policy sets forth appropriate legal and due process procedures and will be followed within the context of the procedural philosophy outlined below:
    a. When students are involved in conflicts with other students, they will:
        i. Work together to resolve the conflict;
        ii. Work to repair the relationship and build trust; and
        iii. Be subject to additional consequences if they exhibit unsafe behaviors during the conflict.
    b. When students are involved in a conflict with or feel they have been treated unfairly by a member of the staff or a volunteer, they will:
        i. Report their feelings to their parent or to the administrator or counselor, who will work together to set up a conference with the student, the parent, an administrator or counselor, and the adult involved in order to resolve the conflict and mend the relationship.
    c. When students flagrantly disregard the safety of others, show blatant disrespect to others, or consistently behave in a disrespectful or unsafe way:
        i. The student will be subjected to consequences and positive behavior support to ensure that the student will make better choices in the future. Consequences might include:
            1. Suspension;
            2. Expulsion;
            3. Restitution; and
            4. Repayment for damages.
    d. The student will work to earn back the trust of the school community by actions such as:
        i. Genuine apology to injured or affected parties;
        ii. Demonstration of appropriate behaviors following the incident; and
        iii. Repair or replace any damaged items.
    e. Due process to protect the rights of students will include:
        i. All students will be treated with dignity and respect as they go through correction procedures. The administration will see to it that their rights are protected through the process. If parents feel their student has not been treated fairly, they may follow the School's Stakeholder Grievance Policy, including, where appropriate, requesting a hearing with the Board of Trustees (the "Board") in accordance with the School's Stakeholder Grievance Policy;
        ii. Parents will be notified when students are involved in situations that are deemed to be serious; and
        iii. Parents and students will be notified of the expectations, possible consequences, and the procedures involved in this policy at the beginning of each school year.

B. **Environment**

1. Safe School Environment: It is the School's policy to promote a safe and orderly school environment for all students and employees. Accordingly, the School holds all students, employees, and other adults to the highest standards of behavior in connection with the use of the School's electronic resources and while participating in School-related or School-sponsored activities. Criminal acts or disruptive behavior of any kind will not be tolerated, and any individual who engages in such activity will be subject to disciplinary action, criminal prosecution, or both; and
2. Discrimination Prohibited: It is the School's policy to provide equal educational and employment opportunity for all individuals. Therefore, the School prohibits all discrimination on the basis of race, color, religion, sex, age, national origin, disability, or veteran status. Complaints of discrimination or unfair application of this policy should be submitted pursuant to the School's Stakeholder Grievance Policy.

C. **Grounds for Suspension, Expulsion, or Change of Placement**

1. A student **may** be suspended from School for the following reasons:
    a. Frequent, flagrant, or willful disobedience, defiance of proper authority, or disruptive behavior, including, but not limited to: fighting; gang activity; harassment, including sexual, racial, or religious harassment; the use of foul, profane, vulgar or abusive language; or other unreasonable and substantial disruption of a class, activity, or other function of the School;
    b. Willful destruction or defacing of School property;
    c. Behavior or threatened behavior that poses an immediate and significant threat to the welfare, safety, or morals of other students or School personnel or to the operation of the School;
    d. Possession, distribution, control, use, sale, or arranging for the sale of an alcoholic beverage as defined in Utah Code Ann. § 32B-1-102;
    e. Possession, distribution, control, use, sale, or arranging for the sale of cigars, cigarettes, electronic cigarettes, or tobacco, as defined by Utah Code Ann. § 76-10-101;
    f. Possession, distribution, control, use, sale, or arranging for the sale of contraband, including but not limited to weapons, fireworks, matches, lighters, alcohol, tobacco, mace, pepper spray, laser pointers, pornography, illegal drugs and controlled substances, drug paraphernalia, or any other material or item that has caused or will imminently cause substantial disruption to School operations;
    g. Inappropriate use or possession of electronic devices in class, during a School-sponsored activity, at home, or in any other way that substantially disrupts the educational environment;
    h. Any criminal activity;
    i. Any serious violation involving weapons, drugs, or the use of force that threatens harm or causes harm to the School or School property, to a person associated with the School, or property associated with any such person, regardless of where it occurs; or

j. Bullying or hazing as defined in Utah Code Ann. § 53G-9-601 and/or the School's Bullying, Cyberbullying, Harassment, Hazing, Retaliation, and Abusive Conduct Prohibition and Prevention Policy.

2. A student **shall** be suspended or expelled from School for the following reasons:
    a. A serious violation affecting another student or a staff member, or a serious violation occurring in connection with the School's electronic resources or any School-related or School-sponsored activity, including:
        i. The possession, control, or actual or threatened use of a weapon, explosive, or noxious or flammable material;
        ii. the actual use of violence or sexual misconduct, including but not limited to such violence or sexual misconduct related to hazing;
        iii. The actual or threatened use of a lookalike weapon with intent to intimidate another person or to disrupt normal School activities;
        iv. The sale, control, or distribution of a drug or controlled substance as defined in Utah Code Ann. § 58-37-2, an imitation controlled substance defined in Utah Code Ann. § 58-37b-2, or drug paraphernalia as defined in Utah Code Ann. § 58-37a-3;
    b. The commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor; or
    c. Making a false report of an emergency at the School or another school under Utah Code Ann. § 76-9-202(2)(d).
3. A student **may** be expelled from School for any violation listed under Section C of this policy if the violation is serious or persistent.
4. Weapons – Mandatory Expulsion for One Year – Utah Code Ann. § 53G-8-205(2)(b); 20 U.S.C. § 7151:
    a. Any student who commits an act for which mandatory suspension or expulsion is provided under Section C-2 above, involving a weapon, explosive, or noxious or flammable material shall be expelled from School and all School programs and activities for a period of not less than one (1) year, subject to the following:
        i. Within forty-five (45) days after the expulsion, the student shall appear before the Case Management Team (CMT), which shall be comprised of the Director and/or Chief Administrative Officer, a Board member, and a teacher selected by them, accompanied by a parent or legal guardian; and
    b. The CMT shall determine:
        i. What conditions must be met by the student and the student's parent for the student to return to School;
        ii. If the student should be placed on probation in a regular school setting consistent with Utah Code Ann. § 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the School; and
        iii. If it would be in the best interest of both the School and the student to modify the expulsion term to less than a year, conditioned on approval by

the Board and giving highest priority to providing a safe school environment for all students.

c. For purposes of this policy, the term "firearm", "explosive", and "noxious or flammable material" include but are not limited to: guns, starter pistols, cap guns, bombs, bullets and ammunition, gasoline or other flammable liquids, mace, pepper spray, matches, and lighters.

d. Students with disabilities under IDEA and Section 504:

i. Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act is determined to have carried a weapon to School or a School-sponsored activity, the procedures outlined in Section I of this policy must be followed.

5. Drugs and Controlled Substances – Mandatory Suspension or Expulsion – Utah Code Ann. § 53G-8-205(2)(a):

a. A student **shall** be suspended or expelled from the School for any of the following reasons:

i. Use, control, possession, distribution, sale, or arranging for the sale of an illegal drug or controlled substance (which includes alcohol), an imitation controlled substance, or drug paraphernalia in conjunction with any School-related or School-sponsored activity;

ii. Misuse or abuse, distribution, sale or arranging for the sale of prescription medication at School or a School-sponsored activity; or

iii. Misuse or abuse of over-the-counter remedies, or sharing, distribution, sale, or arranging for the sale of over-the-counter remedies. A student may possess and use over-the-counter remedies at School only in amounts not to exceed the recommended daily dose including, but not limited to: aspirin, ibuprofen, Tylenol (acetaminophen), cough drops, allergy medication, cough syrup and mouthwash.

b. Students with Disabilities under Section 504:

i. Any student identified as being disabled under either Section 504 of the Rehabilitation Act or the Americans with Disabilities Act who currently is engaging in the illegal use of drugs or alcohol shall be suspended or expelled to the same extent as non-disabled students for the possession, use, control, distribution, sale, or arrangement of the sale of illegal drugs, alcohol, or controlled substances in conjunction with any School-related or School-sponsored activity.

c. Drug testing:

i. Any student who is reasonably suspected of violating Section C-5 may be subject to a drug test for cause, arranged and paid for by the School;

ii. Any student who has been suspended or expelled for a violation of Section C-5 may be required to provide a clean drug test and evidence of completion of drug assessment and/or drug counseling programs as a condition of readmission to School. Testing and counseling required as a

condition of readmission rather than for the purpose of providing justification for the initial suspension or expulsion shall be arranged and paid for by the student's parent or guardian;

iii. Students who refuse to submit to required drug testing and counseling programs or to cooperate with School officials with respect to the sharing of appropriate information, may be expelled from the School; and

iv. Any student who is suspended or expelled for violation of Section C-5 may be subject to random drug testing, at any time and for any reason, for a period of one year from the date of offense. If the student tests positive, he/she may be expelled from all School programs or activities. Any student who refuses consent for random drug testing under these conditions shall be expelled from all School programs or activities.

d. Students with Disabilities under IDEA:

i. Whenever a student receiving special education and related services under IDEA knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity, the procedures outlined in Section I of this policy must be followed.

6. Gangs:

a. Gang activity and apparel prohibited:

i. Students who engage in any form of gang activity at any School-sponsored activity may be suspended or expelled under the terms of this policy. For the purposes of this policy, "gang activities" include, but are not limited to, any of the following:

1. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, apparel, emblems, badges, tattoos or manner of grooming, accessories, symbols, signs, or other thing which is evidence of membership in or affiliation with any gang;
2. Committing any act or omission or using any speech, either verbal or nonverbal, (flashing signs, gestures, handshakes, etc.) that demonstrates membership in or affiliation with a gang;
3. Soliciting others for membership in a gang;
4. Requesting any person to pay for "protection", claiming "turf", or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person;
5. Possessing a weapon, controlled substances, drug paraphernalia, or other contraband;
6. Committing any illegal act; and
7. Encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.

b. Confiscation of Gang Items:

i. Subject to the search and seizure provisions of this policy, gang paraphernalia, apparel, or weapons may be confiscated by School officials at any time.

c. Consultation with Law Enforcement Authorities:

i. School officials shall consult with local law enforcement authorities and gang detectives whenever they have questions regarding gang-related clothing, apparel, or other gang activity.

7. Possession or Use of Electronic Cigarette Products:

a. Students are prohibited from possessing or using electronic cigarette products, as defined by Utah Code Ann. § 76-10-101, on School property or during School-sponsored events or activities.

b. The administration or their designee shall request the surrender of or confiscate electronic cigarette products as provided in Section O of this policy.

c. The administration will ensure that any surrendered or confiscated electronic cigarette product is destroyed or disposed of. However, the administration may allow the release of any surrendered or confiscated electronic cigarette product to local law enforcement if School personnel have a reasonable suspicion that the electronic cigarette product contains an illegal substance and local law enforcement requests that the School release it to them as part of an investigation or action.

D. **Authority to Suspend or Expel**

1. Authority to Suspend for Ten (10) Days or Fewer for Regular Education Students:

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

b. The Director may not suspend for longer than ten (10) school days or otherwise change student placement. Whenever the Director proposes suspending a student for more than ten (10) school days, the Director shall refer the matter to the Chief Administrative Officer. The Chief Administrative Officer may choose to refer the matter to the Board or to a Board member designated by the Board to address such issues.

2. Authority to Suspend and Duration of Suspension for Students with Disabilities:

a. The Director has the authority to suspend a student with disabilities (504 or IDEA) for not more than ten (10) consecutive school days, and additional removals of not more than ten (10) total school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a pattern resulting in a change of placement; and

b. The School need not provide services during periods of removal of ten (10) days cumulative or less if services are not provided to a student without disabilities who has been similarly suspended.

3. Authority to Suspend for Longer than Ten (10) Days or Expel for Regular Education Students:
    a. Either the Chief Administrative Officer, the Board, or a Board member designated by the Board may suspend for longer than ten (10) days or expel a regular education student. Expulsions shall be reviewed by the CMT and the conclusions reported to the Board at least once each year if the parent/guardian of the expelled student has expressed a desire for the student to return to the School;
    b. Parental Responsibility:
        i. If a student is suspended for a period longer than ten (10) days or expelled, the student's parent or legal guardian is responsible for undertaking an alternative education plan that will ensure that the student's education continues during the period of expulsion. The parent or guardian shall work with designated School officials to determine how the student's education will continue through private education paid for by the parents, an alternative program offered by the local school district, or other alternatives which will reasonably meet the educational needs of the student. Costs of educational services which are not provided by the School are the responsibility of the student's parent or guardian;
        ii. The parent or guardian and designated School officials may enlist the cooperation of the Division of Child and Family Services, the juvenile court, law enforcement, or other appropriate government agencies in determining how to meet the educational needs of the student; and
        iii. The School shall contact the parent or guardian of each student under age 16 who has been expelled from all School programs and services at least once a month to determine the student's progress if the parent/guardian of the expelled student has expressed a desire for the student to return to the School.
4. Authority to Institute Change of Placement for Student with Disabilities:
    a. Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504, or ADA, procedures outlined in the State of Utah Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.

E. **Procedures for Addressing Disruptive Student Behavior – Utah Code Ann. § 53G-8-210**
1. Efforts to Resolve Disruptive Student Behavior Problems:
    a. Information About Resources: The School will provide to a parent of a student who engages in disruptive student behavior a list of resources available to assist the parent in resolving the student's disruptive behavior problem; and
    b. Procedures for Resolving Problems: The Director or a teacher or counselor designated by the Director will work with students who engage in disruptive student behavior according to the procedures identified in Section F in an attempt to help the student's behavior to improve and to prevent problems from escalating.

2. Notice of Disruptive Student Behavior:
    a. Authorization: The Chief Administrative Officer or Director is authorized to issue notices of disruptive student behavior to students who are qualifying minors;
    b. Criteria for Issuing Notice: The Chief Administrative Officer or Director may issue a “notice of disruptive student behavior” to a qualifying minor who:
        i. Engages in “disruptive student behavior” that does not result in suspension or expulsion three (3) times during the school year; or
        ii. Engages in disruptive student behavior that results in suspension or expulsion once during the school year.
    c. Contents of Notice: The notice of disruptive student behavior will:
        i. Require the qualifying minor and a parent of the qualifying minor to whom the notice is issued to meet with School authorities to discuss the qualifying minor's disruptive student behavior and cooperate with the Chief Administrative Officer or the Director and the Board in correcting the student's disruptive student behavior;
        ii. Contain a statement indicating:
            1. The number of additional times that, if the qualifying minor engages in disruptive student behavior that does not result in suspension or expulsion, will result in the qualifying minor receiving a habitual disruptive student behavior citation;
            2. That the qualifying minor will receive a habitual disruptive student behavior citation if the qualifying minor engages in disruptive student behavior that results in suspension or expulsion; and
        iii. Be mailed by certified mail to, or served in person on, a parent of the qualifying minor.
    d. Contesting Notice: A qualifying minor, or a qualifying minor's parent, may contest a notice of disruptive student behavior by requesting in writing, within ten (10) business days after receipt of the notice, a meeting with the CMT at which the parent and the CMT will discuss the facts related to the student’s behavior, the basis of the parent’s concerns with or objections to the issuance of the notice, and efforts that have been made to address the behavior problems.
3. Habitual Disruptive Student Behavior Citation:
    a. Criteria for Issuing Notice: The Chief Administrative Officer or Director may issue a “habitual disruptive student behavior citation” to a qualifying minor who:
        i. Engages in disruptive student behavior that does not result in suspension or expulsion at least six (6) times during the school year;
        ii. Engages in disruptive student behavior that does not result in suspension or expulsion at least three (3) times during the school year;
        iii. Engages in disruptive student behavior that results in suspension or expulsion at least once during the school year; or
        iv. Engages in disruptive student behavior that results in suspension or expulsion at least twice during the school year.

b. Notice to Parents: Within five (5) days after the day on which a habitual disruptive student behavior citation is issued, the Chief Administrative Officer or Director shall provide documentation to a parent of the qualifying minor who receives the notice of the efforts made by a School representative under Section F, below.

4. **Response to School-Based Behavior:**
    a. **Alternative School-Related Interventions:** The Board may establish or partner with a certified youth court program or establish or partner with a comparable restorative justice program. The School may refer a student to youth court or a comparable restorative justice program in accordance with § 53G-8-211.
    b. **Referrals of Minors:** A qualifying minor to whom a habitual disruptive student behavior notice is issued may not be referred to the juvenile court. The School will follow § 53G-8-211 with respect to referring a minor who is alleged to be a habitual truant or is alleged to have committed an offense on School property when School is in session or during a School-sponsored activity. In accordance with § 53G-8-211:
        i. If the alleged offense on School property is a class C misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual truant, the minor shall be referred:
            1. to an evidence-based alternative intervention, including:
                a. a mobile crisis outreach team;
                b. a youth services center, as defined in § 80-5-102;
                c. a certified youth court, as defined in § 80-6-901, or comparable restorative justice program;
                d. an evidence-based alternative intervention created and developed by the School or other governmental entities as set forth in § 53G-8-211(3)(a)(v);
                e. a tobacco cessation or education program if the offense is a violation of § 76-10-105; or
                f. truancy mediation; or
            2. for prevention and early intervention youth services, as described in § 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an evidence-based alternative intervention described above.
        ii. Except as provided in subsection (iii) below, if a minor is alleged to have committed an offense on School property that is a class C misdemeanor, an infraction, or a status offense, the minor may be referred directly to a law enforcement officer or agency or a court only if:
            1. the minor allegedly committed an offense on School property on a previous occasion; and
            2. the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in subsection (i) above for the previous offense.

iii. If a minor is alleged to have committed a traffic offense that is an infraction, the minor may be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.

iv. If a minor is alleged to have committed an offense on School property that is a class B misdemeanor or a class A misdemeanor, the minor may be referred directly to a court or to the evidence-based alternative interventions in subsection (i) above.

v. If a minor is alleged to be a habitual truant, the minor may be referred to a law enforcement officer or agency or a court if:

1. the minor was previously alleged of being a habitual truant at least twice during the same school year; and
2. the minor was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, as described in subsection (i) above for at least two of the previous habitual truancies.

vi. If a minor commits an offense on School grounds when School is in session or at a School-sponsored activity and that information is reported to, or known by, a School employee, the School employee shall notify the Director. After receiving such a notification, the Director shall notify a law enforcement officer or agency if the Director may refer the offense to a law enforcement officer or agency as explained above in this section. The Director shall also notify other School personnel if the Director determines that other School personnel should be informed.

c. Referral of Students for Firearm Offense. If a student brings a firearm or weapon to School, the student shall be referred directly to a law enforcement officer or agency, a prosecuting attorney, or a court.

F. **Alternatives to Expulsion or Change of Placement for Frequent or Flagrant Disruptive Behavior – Utah Code Ann. § 53G-8-207**

1. A continuum of intervention strategies shall be available to help students whose behavior in School repeatedly falls short of reasonable expectations. Prior to suspending a student for more than ten (10) days or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not so extreme or violent that immediate removal is warranted, good faith efforts shall be made to implement a remedial discipline plan to allow the student to remain in the School;
2. Before referring the student for long term suspension, expulsion or change of placement under this section, School staff should demonstrate that they have attempted some or all of the following interventions:
    a. Talking with the student,
    b. Class schedule adjustment,
    c. Phone contact with the parent or legal guardian,
    d. Informal parent/student conferences,
    e. Behavioral contracts,
    f. After-school make-up time,

g. Short-term suspension,
h. Appropriate evaluation,
i. Home study,
j. Alternative programs, or
k. Law enforcement assistance as appropriate.

3. As part of a remedial discipline plan for a student, the School may require the student's parent or guardian, with the consent of the student's teachers, to attend class with the student for a period of time specified by a designated School official. If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the provisions of this policy.

G. **Due Process for Suspensions of Ten (10) Days or Less**

1. The following procedure shall apply to all students facing suspension of ten (10) school days or less:
    a. The Director shall notify the student's custodial parent or guardian of the following without delay: that the student has been suspended, the grounds for the suspension, the period of time for which the student is suspended, and the time and place for the parent or guardian to meet with the Director to review the suspension:
        i. The Director shall also notify any non-custodial parent, if requested in writing, of the suspension. This does not apply to the portion of School records which would disclose any information protected under a court order; and
        ii. The custodial parent is responsible to provide the School a certified copy of any court order under Section G-1-a-i.
    b. The Director shall document the charges, evidence, and action taken;
    c. The student shall be requested to present his/her version of the incident in writing. Students with disabilities or young students who are unable to write their own statements shall be accommodated through the use of tape recorder, scribe, etc.;
    d. If the student denies the charges, the student shall be provided with an explanation of the evidence and an opportunity to present his/her version of the incident to the Director;
    e. In general, the notice and informal conference shall precede the student's removal from the School; and
    f. If, in the judgment of the Director, notice is not possible because the student poses a danger to a person or property or an ongoing threat of disrupting the academic process, he/she may be removed immediately. However, in such cases, the necessary notice and informal conference shall follow as soon as possible.

H. **Due Process for Suspensions of More Than Ten (10) Days and Expulsions**

1. If the Director believes that a student should be suspended for more than ten (10) days or expelled, the Director shall refer the matter to the Chief Administrative Officer. The Chief

Administrative Officer may choose to refer the matter to the Board or to the Board member designated by the Board to handle such matters;

2. Prior to sending the referral, but in no instance longer than five (5) days after the suspension began, the Director shall meet with the parent or guardian to discuss the charges against the student and the proposed discipline;
3. The Director shall also notify any non-custodial parent, if requested in writing, of the possible suspension or expulsion as outlined in Section G-1-a-i of this policy;
4. The referral to the Chief Administrative Officer, Board, or designated Board member shall include all relevant documentation of the student's violation(s), including written student statements, written witness statements, evidence of an informal school hearing, evidence of a Director meeting with parent or guardian and written parental input:
    a. Notice to Student and Parent/Guardian**:** If the Chief Administrative Officer, Board, or the Board member designated by the Board to handle such matters determines, after considering the totality of the circumstances and consulting with the CMT, that a student should be suspended for longer than ten (10) school days or expelled, the Director shall send written notice by certified mail, return receipt requested, to the student's parent or legal guardian, which includes all of the following elements:
        i. A description of the alleged violation(s) or reason(s) giving rise to disciplinary action;
        ii. The penalty being imposed (duration of suspension or expulsion);
        iii. A statement that a due process hearing may be requested in writing within ten (10) working days of receipt of the notice;
        iv. A statement that, if a hearing is requested, the Board has the authority to appoint an impartial Hearing Officer(s), who may be an employee or volunteer of the School;
        v. A statement that the suspension or expulsion is taking effect immediately and will continue for the stated period unless a hearing is requested in a timely manner and the Hearing Officer(s) determines otherwise;
        vi. The mailing date of the notice; and
        vii. A statement that, if a hearing is not requested within ten (10) working days after receipt of the notice, the School's decision to suspend or expel the student will be final, and the parent's right to oppose the School's decision will be waived.
5. Hearing Procedures: If a hearing is requested in response to the notice of expulsion, the following procedures shall apply:
    a. After receipt of the request, the School shall schedule a hearing as soon as possible but not later than ten (10) school days following receipt of the request;
    b. A written Hearing Notice shall be sent to the parent or guardian informing the parent or guardian of:
        i. The name of the Hearing Officer(s);
        ii. The date, place, and time of the hearing;
        iii. The circumstances, evidence, and issues to be discussed at the hearing;

iv. The right of all parties to cross-examine witnesses subject to the Hearing Officer's determination that this right should be limited to protect student witnesses from retaliation, ostracism or reprisal;
v. The right of all parties to appeal to the President of the Board within ten (10) working days following the decision if the parties disagree with the Hearing Officer's decision; and
vi. The right of all parties to examine all relevant records to the extent permitted by law.

c. The Hearing Officer(s) shall conduct the hearing on the record and shall:
i. Ensure that a written record of the Hearing is made, a copy of which shall be provided to all parties upon request, with the cost borne by the School;
ii. Consider all relevant evidence presented at the hearing;
iii. Allow the right to cross-examination of witnesses, unless the Hearing Officer(s) determines that this right should be limited to protect student witnesses from ostracism, retaliation or reprisal;
iv. Allow all parties a fair opportunity to present relevant evidence; and
v. Issue a written decision including findings of fact and conclusions.

d. Hearing Rules: Formal Rules of Evidence do not apply to the Hearing, and no discovery is permitted. However, the following rules will apply:
i. Parties may have access to information contained in the School's files to the extent permitted by law;
ii. Hearings shall be closed to the press and the public;
iii. Documents, testimony, or other evidence submitted by the parties after the hearing will not be considered by the Hearing Officer(s); and
iv. The Hearing Officer(s) may excuse witnesses or parties or suspend or terminate a hearing if persons involved in the hearing are abusive, disorderly, disruptive, or if they refuse to abide by the rules and orders of the Hearing Officer(s).

6. Appeals:
a. Within ten (10) working days following receipt of the Hearing Officer's written decision, either party may appeal the decision, in writing, to the President of the Board; and
b. Within ten (10) working days following receipt of the appeal, the Board President shall rule on the appeal.

l. **Due Process for Change of Placement of Students with Disabilities**

1. Where the student is receiving special education services or accommodations on the basis of disability under IDEA, 504 or ADA, procedures outlined in the Utah State Board of Education Special Education Rules shall be followed, including prior written notice to parents or guardians regarding their procedural due process rights, before any long-term disciplinary action or change of placement takes place.
a. Required Services for 504 and ADA Students:

i. When a determination is made that the conduct of a 504 or ADA student (but not a student who is disabled under IDEA) is not a manifestation of the student's disability pursuant to Section I, the student shall be subject to the same disciplinary consequences as regular education students, up to and including expulsion from School without educational services.(OSEP memorandum of April 26, 1995.)

b. Required services for IDEA students:
   i. A school need not provide services during periods of removal to a student with a disability under IDEA who has been removed from his or her current placement for ten (10) school days or less in that school year if services are not provided to a student without disabilities who has been similarly removed; and
   ii. If a student with a disability under IDEA has been removed from his or her current placement for more than ten (10) school days in the same school year, for the remainder of the removals, the School shall provide services to the extent necessary to enable the student to progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. School personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's IEP.
c. Change of Placement for Weapons or Drugs:
   i. A student's IEP team may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if:
      1. The student carries a weapon to, or possesses at weapon at, School or a School-sponsored activity; or
      2. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at School or a School-sponsored activity.
d. Change of Placement Due to Student's Serious Misconduct:
   i. School officials may request an expedited due process hearing in order to change the placement of a student with a disability to an appropriate interim alternative educational setting, recommended by the student's IEP team, for not more than forty-five (45) days. A Hearing Officer may order such a change, if he/she:
      1. Determines that School officials have demonstrated by substantial evidence that maintaining the current placement of a student is substantially likely to result in injury to the student or others;

2. Considers the appropriateness of the student's current placement;
3. Considers whether School officials have made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
4. Determines that the interim alternative educational setting being recommended by School officials:
    a. Has been selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP;
    b. Includes services and modifications designed to address the behavior at issue so that it does not recur.

e. Parental Notice:
    i. As soon as a decision is made by School officials to remove a student with a disability from his/her current placement for more than ten (10) school days, the student's parents must be notified of that decision and of all procedural safeguards outlined by law and School policy.
f. Meetings for Manifestation Determination:
    i. Immediately, if possible, but in no case later than ten (10) school days after the date on which the decision is made to remove the student from the current placement, a review must be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action;
    ii. The manifestation review must be conducted by the student's IEP team and other qualified School personnel; and
    iii. In conducting the manifestation review, the IEP team may determine that the behavior of the student was not a manifestation of student's disability only if the IEP team:
        1. First considers, in terms of behavior subject to disciplinary action, all relevant information, including:
            a. Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the student;
            b. Observations of the student; and
            c. The student's IEP and placement.
        2. Then determines whether:
            a. The conduct in question was caused by or had a direct and substantial relationship to the child’s disability; or

b. The conduct in question was the direct result of the School's failure to implement the student's IEP.

3. If the IEP team determines that either of the standards above was met, the behavior must be considered a manifestation of the student's disability.

iv. Determination that Behavior was not Manifestation of Disability:

1. If the result of the manifestation review is a determination that the behavior of a student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except that a free appropriate public education must still be made available to the student if the student is suspended or expelled from School.

v. Determination that Behavior was Manifestation of Disability:

1. If the result of the manifestation review is a determination that the behavior of a student with a disability was a manifestation of the student's disability, the student must remain in or be returned to the prior placement.

g. Meetings for Functional Behavioral Assessments:

i. Post-Discipline Functional Behavioral Assessments:

1. If School officials have not conducted a functional behavioral assessment and implemented a behavioral intervention plan for the student before the behavior that results in a removal from School for longer than ten (10) school days or a change of placement to an interim alternative educational setting, School officials shall convene an IEP meeting to develop an assessment plan and appropriate behavioral interventions to address that behavior.

ii. Pre-Discipline Behavioral Intervention Plans:

1. If the student already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

h. Placement During Appeals and Stay Put:

i. If a parent requests a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student must remain subject to the disciplinary action pending the decision of the Hearing Officer or until the expiration of the forty-five (45) day period, whichever occurs first, unless the parent and School officials agree otherwise. If a student is placed in an interim alternative educational setting and School personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed:

1. Change in placement the student must remain in the current placement (the student's placement prior to the interim alternative education setting), unless School officials succeed in getting an order through an expedited hearing as described in Section I.

J. **Site-Based Safe Schools Measures**

1. Physical Restraint:
    a. A School employee may, when acting within the scope of employment, use and apply physical restraint in self-defense or as may be reasonable and necessary under the following circumstances:
        i. To protect any person from physical injury;
        ii. To take possession of a weapon or other dangerous object in the possession or under the control of a student;
        iii. To restrain or remove a student from a situation when that student is violent or is a danger to him/herself or others; or
        iv. To protect property from serious damage when physical safety is at risk.
    b. When an employee exercises physical restraint on a student, the following types of physical restraint are prohibited:
        i. prone, or face-down;
        ii. supine, or face-up;
        iii. physical restraint which obstructs the airway or adversely affects the student's primary mode of communication;
        iv. mechanical restraint, except for seatbelts or safety equipment used to secure students during transportation, other appropriate protective or stabilizing restraints, and devices used by a law enforcement officer in carrying out law enforcement duties; or
        v. chemical restraint, except as prescribed by a licensed physician and implemented in compliance with a student's Health Care Plan.
2. Seclusionary Timeout:
    a. A School employee may, when acting within the scope of employment, place a student in seclusionary time out under the following circumstances:
        i. the student presents an immediate danger of serious physical harm to self or others;
        ii. any door remains unlocked consistent with applicable fire and public safety requirements; and
        iii. the student is within line sight of the employee at all times.
3. Notification:
    a. When an employee exercises physical restraint on a student or places a student in seclusionary timeout, the School or employee shall immediately notify the student's parent/guardian and the Director. In addition, if physical restraint or seclusionary timeout is applied for longer than fifteen minutes, the School shall immediately notify the student's parent/guardian and the Director again.

b. Parent/guardian notifications made under this section shall be documented with respect to the student in the School's information system as required by R277-609-10.
c. Within 24 hours of using physical restraint or seclusionary timeout, the School shall notify the parent/guardian that they may request a copy of any notes or additional documentation taken during the crisis situation.
d. Upon request of a parent/guardian, the School shall provide a copy of any notes or additional documentation taken during a crisis situation.
e. A parent/guardian may request a time to meet with School staff and administration to discuss the crisis situation.

4. The School shall establish an Emergency Safety Intervention ("ESI") Committee and follow the rules with respect to the ESI Committee in R277-609-7, and -10.
5. Corporal Punishment:
    a. School employees may not inflict or cause the infliction of corporal punishment upon a student. School personnel who inflict corporal punishment on a student will be subject to discipline up to and including termination. School employees who have been disciplined in connection with corporal punishment upon a student may pursue an appeal to the discipline decision in accordance with the School's Stakeholder Grievance Policy.

K. **Extracurricular Activities**
1. Participation in extracurricular activities is not a constitutionally protected civil right. Therefore, students who are suspended or expelled may lose the privilege of participation during the period of suspension/expulsion and may not be allowed to invoke due process procedures to challenge the denial of extracurricular participation. In addition, Educational Units will be denied during this period of suspension/expulsion.

L. **Readmission of Expelled Students and Denial of Admissions Based on Prior Expulsion – Utah Code Ann. §53G-8-205(3)**
1. A student who is expelled from the School can only be readmitted to the School through the School's standard lottery procedures; and
2. A student may be denied admission to the School if he or she was expelled from the School or any other school during the preceding twelve (12) months.

M. **Investigations**
1. Whenever the Chief Administrative Officer or Director has reason to believe that School rules or policies have been broken, he or she shall proceed with an investigation. However, if the Chief Administrative Officer or Director believes that laws have been broken or child abuse has occurred, he/she shall request appropriate authorities to conduct the investigation;
2. General Investigation Guidelines for Chief Administrative Officer or Director:
    a. The Chief Administrative Officer or Director has the authority and duty to conduct investigations and to question students pertaining to infractions of School rules, whether or not the alleged conduct is a violation of criminal law. The Chief Administrative Officer or Director shall conduct investigations according to the following general guidelines:

i. The Chief Administrative Officer or Director shall conduct investigations in a way that does not unduly interfere with School activities;
ii. The Chief Administrative Officer or Director shall separate witnesses and offenders in an attempt to keep witnesses from collaborating their statements and have all parties provide separate statements concerning the incident under investigation; written statements are preferable, if possible;
iii. The Chief Administrative Officer or Director shall advise students suspected of wrongdoing orally or in writing of the nature of the alleged offense;
iv. Students must be provided an opportunity to give their version of the incident under investigation; however, refusals to respond or provide information should be respected;
v. When questioning students as part of an investigation, School staff should have another adult present whenever possible;
vi. The Chief Administrative Officer or Director shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.;
vii. All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action; and
viii. When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.

3. Coordination with Law Enforcement:
    a. The Chief Administrative Officer or Director has the responsibility and the authority to determine when the help of law enforcement officers is necessary, as outlined in this policy and Utah State law:
        i. The School administration may invite law enforcement officials to:
            1. Conduct an investigation of alleged criminal conduct in connection with School electronic resources of a School-related or School-sponsored activity;
            2. Maintain a safe and orderly educational environment; or
            3. Maintain or restore order when the presence of such officers is necessary to prevent injury to persons or property.
        ii. Investigation of Criminal Conduct: During an investigation for violation of School rules, it may become evident that the incident under investigation may also be a violation of criminal law. If the School official has reason to suspect that a criminal act has been committed and, in the opinion of the

Chief Administrative Officer or Director, law enforcement should be notified, the following procedure should be followed:

1. The Chief Administrative Officer or Director shall request that law enforcement officers conduct an investigation and question students who are potential witnesses to the alleged criminal behavior;
2. The School official shall inform the student's parent or legal guardian as soon as possible that the student may have committed a criminal act and that law enforcement authorities will be involved in the investigation;
3. Unless circumstances dictate otherwise, questioning of the student by School officials shall not begin or continue until the law enforcement officers arrive;
4. Reasonable attempts shall be made to contact the student's parents or legal guardian who, unless an emergency exists, shall be given the opportunity to meet with the student and to be present with the student during questioning by law enforcement authorities;
5. The Chief Administrative Officer or Director shall document the contact or attempted contact with the student's parents or legal guardian. If the Chief Administrative Officer or Director cannot contact the student's parent or guardian, or if the parent or guardian is unable to be present with the student for questioning, the Chief Administrative Officer or Director shall be present and document generally what occurs during the interview;
6. The student shall not be questioned by law enforcement unless or until he/she has received Miranda warnings from the officer; and
7. If the parent or student refuses to consent to questioning by law enforcement authorities, the law enforcement authorities shall determine the course of action to be pursued.

iii. Investigation Initiated by Law Enforcement Authorities: School officials shall cooperate with law enforcement authorities who are carrying out official duties such as investigating crimes, serving subpoenas, etc.:

1. When law enforcement officers can show a need to do so, they shall be permitted to conduct an investigation;
2. Such a need will ordinarily be shown if delay in police investigation might result in danger to a person, flight from jurisdiction by a person reasonably suspected of a crime, or destruction of evidence. In such cases:
    a. The officers shall be required to get prior approval of the Chief Administrative Officer or Director or other

designated person before beginning an investigation of School property;

b. The Chief Administrative Officer or Director shall document the circumstances warranting the investigation as soon as practical;
c. Alleged criminal behavior related to the School environment brought to the Chief Administrative Officer's or Director's attention by law enforcement officers shall be dealt with under the provisions of Section B-1;
d. Law enforcement officials (investigating School-related or student-related crimes) may not have access to student education records, aside from directory information, unless they have a subpoena or court order or permission from parent or guardian; and
e. Directory information is limited to a student's name, home address, date of birth, phone number, class schedules and parents' address and phone numbers for use in case of emergency.

iv. Release of Student to Law Enforcement Official:

1. Students may not be released to law enforcement authorities voluntarily by School officials unless the student has been placed under arrest or unless the parent or legal guardian and the student agree to the release;
2. When students are removed for any reason by law enforcement authorities, every reasonable effort shall be made to contact the student's parent or legal guardian immediately except in cases of child abuse and neglect. Such effort shall be documented;
3. The Chief Administrative Officer or Director shall immediately notify the Board of the removal of a student from School by law enforcement authorities;
4. Where it is necessary to take a student into custody during a School-sponsored activity, the law enforcement officer shall contact the Chief Administrative Officer or Director and relate the circumstances necessitating such action;
5. Whenever the need arises to make arrests or take students into custody during a School-sponsored activity, the Chief Administrative Officer or Director shall make reasonable efforts to consult and confer with the law enforcement officers as to how an arrest is to be made; and
6. When a student has been taken into custody or arrested during a School-sponsored activity without prior notification to the Chief Administrative Officer or Director, the School staff present shall encourage the law enforcement officers to tell the Chief

Administrative Officer or Director of the circumstances as quickly as possible. If the officers decline to tell the Chief Administrative Officer or Director, the School staff members present shall immediately notify the Chief Administrative Officer or Director.

v. Quelling Disturbances of School Environment:

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

N. **Investigation of Child Abuse and Neglect**

1. Utah law requires that whenever any person, including any School employee, has reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect, or observes a child being subjected to conditions or circumstances which would reasonably result in such, he/she shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services:
    a. The School shall distribute annually to all School employees copies of the School's procedures for reporting suspected child abuse or neglect;
    b. If there is reason to believe that a child may have been subjected to abuse or neglect, an oral report shall be made immediately by the School employee reporting the abuse/neglect with a written report to follow within twenty-four (24) hours:
        i. When making the oral report, always have the person you notify identify himself/herself. The notified person's name shall be entered on the written report;
        ii. A copy of the written report shall be put in a child abuse-neglect file to be maintained by the Director, for all reported cases of suspected child abuse or neglect;
        iii. The child abuse-neglect reporting form shall not be placed in the student's personal file;
        iv. It is not the responsibility of the Director or other School employees to prove that the child has been abused or neglected, or to determine whether the child is in need of protection; and
        v. Investigation by staff prior to submitting a report shall not go beyond that necessary to support a reasonable belief that a reportable problem exists.

c. To determine whether or not there is reason to believe that abuse or neglect has occurred, professional School employees may (but are not required to) gather information only to the extent necessary to determine whether a reportable circumstance exists:
    i. Interviews with the child or suspected abuser shall not be conducted by the Director or any other School employees;
    ii. Notes of voluntary or spontaneous statements by the child shall be made and given to the investigating agency;
    iii. The Director, School employees, Division of Child and Family Services and law enforcement personnel are required to preserve the anonymity of those making the initial report and any others involved in the subsequent investigation;
    iv. Investigations are the responsibility of the Division of Child and Family Services:
        1. The Director or other School employees shall not contact the parents, relatives, friends, neighbors, etc. for the purpose of determining the cause of the injury and/or apparent neglect; and
        2. School officials shall cooperate with social service and law enforcement agency employees authorized to investigate reports of alleged child abuse and neglect, assisting as asked as members of interdisciplinary child protection teams in providing protective diagnostic, assessment, treatment, and coordination services.
    v. Persons making reports or participating in good faith in an investigation of alleged child abuse or neglect are immune, in accordance with state law, from any civil or criminal liability that otherwise might arise from those actions.

O. **Searches of Person or Property**

1. Given the School's custodial and tutelary responsibility for children, and the Board's intent to preserve a safe environment for all students and staff, the Board recognizes that School officials must have the authority to conduct reasonable searches of students and student property. School officials engaging in searches of students and property shall abide by the following guidelines:
    a. General Guidelines for Searches of Person or Property:
        i. Searches of a student's person, personal property (coats, hats, backpacks, book bags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular School rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction; and
        ii. Circumstances warranting a search include those in which School officials have a reasonable suspicion that the student or student property

is concealing items including but not limited to weapons, drugs, controlled substances, electronic cigarette products, alcohol, tobacco, unsafe contraband, pornography, pagers or lost/stolen/misplaced items.

b. Searches of Personal Belongings:
    i. Personal belongings may be searched by School officials whenever School officials have a reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence;
    ii. The student may be asked to open personal belongings and to turn over personal property for search by a School official. All searches of student property by School officials shall be witnessed by an objective third party (such as another teacher, or police officer) to observe that the search is not excessively intrusive; and
    iii. All contraband discovered in a search by School officials shall be immediately confiscated and turned over to law enforcement officers if School officials have reason to believe the contraband is related to the commission of a criminal act.
c. Searches of Person:
    i. School officials shall make sure the search meets the following guidelines:
        1. The search shall be conducted in a private area of the School by a School official of the same sex as the student being searched;
        2. The search shall be observed by an objective third party of the same sex as the student being searched (i.e., Chief Administrative Officer, Director, teacher, police officer);
        3. School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband;
        4. Under no circumstances may School officials require students to remove any other items of clothing or touch students in any way during the search;
        5. If this limited search does not turn up suspected contraband and School officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation; and
        6. In general, all questioning and searching of students conducted by law enforcement officers shall proceed according to the investigation guidelines in Section M of this policy.
d. Documentation of Searches:
    i. school officials shall thoroughly document the details of any search conducted of a student's property or person. documentation shall be

made at the time of the search, or as soon as possible thereafter, and shall include the following:

1. The time, place and date of the search;
2. The reasonable suspicion giving rise to the search (what did School officials suspect to find during the search);
3. The name and title of individuals conducting and observing the search;
4. A statement about evidence that was found or not found as a result of the search;
5. A statement about who took possession of contraband (i.e., police, school, etc.); and
6. Information regarding the attempts of School officials to notify parents about the search.

P. **Records-Interagency Collaboration – 20 U.S.C. § 1232g(h)(i)-(2); Utah Code Ann. § 53G-8-402 to -405**

1. Requirements After Receiving Notification from Juvenile Court and/or Law Enforcement Agencies of a Student's Serious Offense or Sexual Crime:
    a. If the President of the Board or Chief Administrative Officer is notified by the juvenile court that a current or former student of the School has been adjudicated for a serious offense or sexual crime or is notified by a law enforcement agency that a current or former student of the School has been taken into custody or detention for a serious offense or sexual crime, the President of the Board or Chief Administrative Officer shall notify the Director within three (3) days of receiving the notification.
        i. "Serious offense" is defined in Utah Code Ann. § 80-6-103 and means the following: a violent felony as defined in § 76-3-203.5; an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property stolen is a firearm; or an offense in violation of Title 76, Chapter 10, Part 5 Weapons; and
        ii. "Sexual crime" or "sexual misconduct" means any conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses; Title 76 Chapter 5b, Sexual Exploitation Act; § 76-7-102, incest; § 76-9-702, lewdness; and § 76-9-702.1, sexual battery.
    b. Upon receipt of the information about a student's serious offense (whether from the President of the Board, the Chief Administrative Officer, or directly from the juvenile court or law enforcement agency), the Director shall make a notation in a secure file other than the student's permanent file. Beginning no later than July 1, 2025, the School shall digitally maintain the secure file or, if available, the student's related reintegration plan described below, for one year from the day the notice is received and ensure the secure file follows the student if the student transfers to a different school.
    c. Upon receipt of the information about a student's serious offense or sexual crime (whether from the President of the Board, the Chief Administrative Officer, or

directly from the juvenile court or law enforcement agency), the Director shall, if the student is still enrolled in the School, notify staff members who, in the Director's opinion, should know of the adjudication, arrest, or detention. Staff members receiving information about a juvenile student's adjudication, arrest or detention may only disclose the information to other persons having both a right and a current need to know.

2. Multidisciplinary Team and Reintegration Plan
    a. In addition to complying with the requirements above, the School shall, within five (5) days after receiving a notification described above about a student committing a serious offense or sexual crime, or within a reasonable time after otherwise being notified of a student committing a serious offense or sexual crime, develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian. The multidisciplinary team should include the School, the juvenile court, the Division of Juvenile Justice and Youth Services, the School's Safety and Security Specialist, the School's Safety and Security Director, the School's Resource Officer (if any), and any other relevant party that should be involved in a reintegration plan.
    b. The reintegration plan shall address:
        i. a behavioral intervention for the student;
        ii. a short-term mental health or counseling service for the student;
        iii. an academic intervention for the student; and
        iv. if the serious offense or sexual crime was directed at a School employee or another student within the School, notification of the reintegration plan to that School employee or student and the student's parent.
    c. The School may deny admission to the student until the School completes the reintegration plan.
    d. The School's Resource Officer (if any) shall provide input for the School to consider regarding the safety risks a student may pose upon integration. The School shall also notify its Resource Officer (if any) of any student who is on probation.
    e. The School shall not reintegrate a student when:
        i. a student or staff member of the School has a protective order against the student being reintegrated; or
        ii. a student or staff member of the School is a victim of the serious offense or sexual crime committed by the student being reintegrated.
    f. A reintegration plan under this section is classified as a protected record under Utah Code Ann. § 63G-2-305. All other records of disclosures under this section are governed by the Government Records Access and Management Act and the Family Educational Rights and Privacy Act ("FERPA").
3. Students Committing a Serious Offense or Sexual Crime are Subject to Suspension or Expulsion
    a. Students who commit a serious offense or sexual crime, whether on or off School property, are subject to the suspension and expulsion provisions of this policy.

4. Student Discipline Records/Education Records:
    a. School officials may include appropriate information in the education record of any student concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community:
        i. Disclosure of Discipline Records to Other Educators:
            1. School officials may disclose student discipline information described above to teachers and other School officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.
        ii. Disclosure of Discipline Records to Other Agencies:
            1. School officials shall not release personally identifiable student discipline records to other government agencies, including law enforcement agencies, unless the agency produces a subpoena or court order (need for standing court order from juvenile court), the student's parent or guardian has authorized disclosure, or a FERPA exception applies.

Q. **Training**

1. All new employees shall receive information about this policy at new employee orientation. All other employees shall be provided information on a regular basis regarding this policy and the School's commitment to a safe and orderly school environment;
2. Employees who have specific responsibilities for investigating, addressing, and resolving issues addressed in this policy shall receive yearly training on this policy and related legal developments; and
3. The Chief Administrative Officer or Director shall be responsible for informing students, parents, and staff of the terms of this policy including the procedures outlined for investigation and resolution of violations.

R. **Policy Dissemination and Review**

1. The School shall compile an annual report of all suspensions and expulsions and submit it to the Board. For each suspension or expulsion, the report shall indicate the student's race, gender, disability status, and age/grade, as well as the reason for the discipline, the length of the discipline, and a statement as to whether the student was referred to the Board;
2. A summary of this policy shall be posted in the School, and the policy will be posted on the School’s website. The policy or a summary of the policy shall also be published in student registration materials, student and employee handbooks, and other appropriate School publications as directed by the Board; and
3. This policy shall be reviewed as necessary with appropriate revisions recommended to the Board.

STUDENT DRESS CODE

Original Adopted Date: 08/22/2019 | **Last Reviewed Date:** 11/04/2019

POLICY

1. EDUCATIONAL ENVIRONMENT

A. Lumen Scholar Institute provides a safe, wholesome, healthy educational environment where academic learning, personal development, and a sense of pride and accomplishment can flourish.

2. STUDENT CONDUCT

A. Part of the educational process is learning self-discipline and appropriate behavior.

B. It is the policy of the Board of Trustees to enforce all Utah laws related to conduct on school premises, during online classes, and for school sponsored activities to see that all students are taught to preserve public property, including school facilities and equipment.

3. STUDENT DRESS AND GROOMING STANDARDS

A. The Board of Trustees of Lumen Scholar Institute recognizes that dress and grooming seriously affect the behavior of students attending school and may also impact sanitation and safety conditions.

B. Because experience has demonstrated that the learning atmosphere is improved when students both look and act appropriately, the Board hereby authorizes the establishment of standards of student conduct, dress, and grooming.

4. DELEGATION OF AUTHORITY

A. The Board delegates to the Administration the responsibility to see that the school adheres to the conduct, dress, and grooming standards established by the Board in the guidelines of this policy.

B. All school staff members shall have shared responsibility in seeing that these standards are implemented and enforced in the school building, in online classrooms, on school grounds, on school buses, at school activities, and other occasions as appropriate.

STUDENT DRESS CODE – ADMINISTRATIVE REGULATION

Original Adopted Date: 11/01/2019

1. GENERAL ATTIRE AND GROOMING

A. Students shall dress and be groomed, including hair in a manner that shows respect for the educational environment both in-person and online.

B. Students clothing, accessories, and grooming must not present a health or safety hazard, or a distraction, which would disrupt the educational mission of the school.

(i) Disruption is defined as reactions by other individuals to the clothing or adornment which causes the teacher or other designated employee to lose the attention of the students, to modify or cease instructional activities, or to deal with the student confrontations or complaints.

C. Shoes shall be worn at all times to ensure personal hygiene and safety.

D. School officials may require students to wear certain types of clothing for health or safety reasons in connection with certain activities.

E. Military clothing or insignias which are part of the official uniform of the U.S. Armed Forces are not to be worn except where authorized by law. (Wearing of the military uniform is regulated by provisions of Title 10, USC § 771-772, and Army Regulation 670-1 § 29-4).

2. INAPPROPRIATE ATTIRE

A. Clothing and personal items shall be free of writing, pictures, or any other insignias which are crude, vulgar, profane, sexually suggestive, or which are contrary to the educational mission of the school.

B. Items which bare advertising, promotions, and likeness of tobacco, alcohol, or drugs, or which are contrary to the educational mission, shall not be allowed.

C. Students shall not be allowed in school or school sponsored activities or events with gang-related clothing, colors, or paraphernalia. School officials will determine what constitutes "gang" clothing, colors, and paraphernalia after consultation with law enforcement agencies as needed.

3. GRADUATION ATTIRE

A. Students participating in commencement exercises are subject to specific dress and grooming standards articulated in the student information packet distributed to parents of graduating students near the end of the school year.

B. Standards include:

(i) Wearing the prescribed cap and gown during the entire duration of the commencement program, from the opening processional to the completion of the recessional.

(ii) No unauthorized ornamentation or decoration (e.g., leis, cap decorations, pins, etc.)

(iii) Personal items such as clothing, accessories, or jewelry which draw undue attention or detract from the dignity and decorum of the occasion, shall not be allowed.

(iv) Mantles, cords, insignias, or medals signifying achievement, honor, or recognition are restricted to awards issued and approved for display at graduation by administration.

Costumes may be worn on the day the school designates each year for Halloween.

Costumes may only be worn for other live classes or activities if the teacher or school requests costumes for a specific class or activity.

Costume Guidelines

1. The costume should be appropriate for school.

2. The costume should be tasteful. Undergarments and swimwear are not appropriate. The costume should not hamper the student's ability to be seated and work during a live class or activity.

3. Costumes should allow students to use the bathroom.

4. Absolutely no accessories. Costumes that require carrying extra and/or unsafe items such as skateboards, swords, guns, spears, etc. are unacceptable. These items are considered a distraction in class and at activities.

5. No baby bottles or pajamas.

6. No pacifiers, false teeth, or anything placed in the mouth.

7. Costumes should not reflect graphic violence or blood and gore.

8. No full face mask or pullover masks/ hoods. The teacher and staff should still be able to identify a student.

9. No excessive facial makeup.

10. Hats and wigs as part of the costumes are permitted.

11. Footwear must be safe and supportive. No sandals, flip-flops, or slippery party shoes.

12. No toy-like accessories that may distract the student or classmates.

The school res aerves the right to ask a student to remove any part of a costume. The school also reserves the right to remove a student from a live class or activity for a costume violation. Parents will be contacted as soon as possible if the removal of the student is necessary.

STUDENT EDUCATION PLAN POLICY

Original Adopted Date: 09/23/2021 | **Last Revised Date**: 09/23/2021

Policy

Lumen Scholar Institute (the "School") understands the importance of personal education planning for each of its students. Personal education planning is a cooperative effort involving students, parents/guardians, and educators. It focuses on the individual needs of the student and is essential at the elementary and secondary school level.

The School shall implement an individual learning plan (also known as an SEP) for its K-6 students and a plan for college and career readiness (also known as a CCR or an SEOP) for its students in grades 7-12 in accordance with Utah law.

The School's administration shall establish administrative regulations to help the School implement individual learning plans and plans for college and career readiness consistent with Utah Code § 53E-2-304(2)(b) and, if the School receives Comprehensive Counseling and Guidance Program funds, Utah Administrative Code Rule R277-462.

STUDENT RETENTION AND ACCELERATION

Original Adopted Date: 09/26/2019

1. The Board of Trustees is committed to an educational program that offers opportunities for students to acquire skills for cognitive, academic, social, and emotional development.

2. The Board of Trustees believes differentiated instruction provides for individual academic student needs and allows students to remain with their own age peer group. However, the Board recognizes that extenuating circumstances may exist outside of the norm where student retention or acceleration may be in the best interest of an individual student.

3. Determinations regarding retention or acceleration will be made only after the needs and abilities of the student have been assessed and reviewed by a school team, appointed by the Director of Academic Affairs. In cases where the student has a current IEP or 504, the Director of Student Success will assist in determining the appointed members of the school team.

4. The Board authorizes the Director of Academic Affairs to develop administrative regulations consistent with this policy.

STUDENT TRANSPORTATION

Original Adopted Date: 02/16/2023

Purpose

The purpose of this policy is to address how student transportation is handled at Lumen Scholar Institute (the "School"). It is also to establish rules and requirements related to student transportation to help ensure student safety.

The School intends for this policy to satisfy the policy requirements of Utah Administrative Code Rule R277-601.

Policy

No School Buses

The state does not provide the School (or any other Utah charter school) with any state transportation funding. As a result of this, and as a result of the School being an online school, the School does not own or operate school buses and does not provide transportation for students to or from School, except where required by law.

Student Transportation for School Activities

The School may provide transportation for students in charter buses or through public transportation in connection with field trips, extracurricular activities, or other School-sponsored activities. Any charter bus company selected by the School to transport students shall meet or exceed industry safety requirements and provide reliable and professional transportation services.

The School may also provide student transportation for School activities through private or rental vehicles driven by School employees or volunteers who have been approved by School administration. The School's administration shall establish the necessary qualifications for such drivers and other requirements that must be met prior to using private or rental vehicles to transport students.

The School shall inform parents and guardians when it intends to provide student transportation in connection with School activities and shall give parents the opportunity to consent to such transportation.

A student's parent or guardian must provide consent in order for their student to be transported to and/or from School activities as described in this section.

Charter bus operators and, to the extent practicable, other vehicle drivers approved by the School to transport students to and/or from School activities, shall adhere to the applicable standards in R277-601-3. The School shall enforce the applicable standards as required by the rule.

SUPERVISION OF STUDENTS AT SCHOOL-SPONSORED ACTIVITIES

Original Adopted Date: April 20, 2023

Purpose

The purpose of this policy is to outline the supervisory responsibilities of Lumen Scholar Institute (the "School") coaches and other designated School leaders (e.g., advisors, assistants, activity leaders, etc.) in connection with School-sponsored activities. Another purpose is to provide standards of behavior and conduct that such School coaches and designated leaders must follow.

Policy

The School, School coaches, and other designated School leaders shall comply with Utah Administrative Code Rule R277-605.

Supervision of Students

School coaches and other designated School leaders shall diligently supervise the students under their care or control at all times while on School-sponsored activities, including but not limited to supervising such students:

(a) on the field or court, or at other competition or performance or activity sites;
(b) in locker rooms (as appropriate), seating areas, eating establishments, and lodging facilities; and
(c) while traveling.

School coaches and other designated School leaders are responsible for a student who is under their care or control for as long as a student remains on site following a School-sponsored activity, subject to the following:

(a) After a School-sponsored activity is over, parents/guardians are responsible to pick up their child promptly after the activity or make arrangements for someone else to pick up their child promptly after the activity; and
(b) If a child has not been picked up within 15 minutes of the School-sponsored activity ending, School coaches or other designated School leaders will contact the student's parent/guardian by telephone. If the student's parent/guardian cannot be reached by telephone, School coaches or other designated School leaders will contact, by telephone, the emergency contact(s), if any, designated by the student's parents/guardians. If neither the parent/guardian nor an emergency contact can be reached or are able to pick

up the student in a timely manner, School coaches or other designated School leaders may contact the police or the Division of Child and Family Services (DCFS) to report the situation.

If parents/guardians experience an emergency that causes them to run late or to be unable to have their child picked up within 15 minutes of a School-sponsored activity ending, they should notify the School coach or other designated School leader as soon as possible.

Behavior and Conduct

School coaches and other designated School leaders shall be exemplary role models to students and shall not use alcoholic beverages, tobacco, controlled substances, or participate in any sexual or other inappropriate relationships while on School-sponsored activities. School coaches and other designated School leaders shall act in a manner consistent with Utah Code § 53G-8-209 and shall not:

(a) use foul, abusive, or profane language while engaged in School-related activities; or
(b) permit hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order Utah law.

School coaches and other designated School leaders shall abide by the rules pertaining to athletic and activity clinics set forth in R277-605-5. School coaches shall satisfy all of the training requirements listed in R277-605-6, and the School shall maintain verification of the coaches' compliance with the training requirements.

TEACHER AND STUDENT SUCCESS FRAMEWORK

Original Adopted Date: 04/25/2019 | **Revised Date:** 06/17/2021

Pursuant to UCA 53G-7-1304 Lumen Scholar Institute's Board of Trustees adopts the following framework to provide guidelines and processes for the development of a Teacher and Student Success Plan ("Plan"). The school's Administration will develop a Plan in accordance with this framework and submit the Plan to the Board for approval. The Plan will be developed by integrating school-specific goals and criteria for improving the school's performance within the state's accountability system.

The goal of the school's Plan shall be to improve school performance and student academic achievement. The Plan may contain any of the following strategies:

1. school personnel stipends for taking on additional responsibility outside of a typical work assignment;

2. professional learning;

3. additional school employees, including counselors, social workers, mental health workers, tutors, media specialists, information/ instructional technology specialists, or other specialists;

4. technology;

5. before- or after-school programs;

6. summer school programs;

7. community support programs or partnerships;

8. class size reduction strategies;

9. augmentation of existing programs; or

10. any other strategy reasonably designed to improve school performance or student academic achievement.

Funding received pursuant to the school Plan may not be used:

1. to supplant funding for existing education programs;

2. for administrative costs;

3. for capital expenditures.

TECHNOLOGY AND NETWORK PROTECTION AND INTERNET SAFETY

Original Adopted Date: 08/11/2015 | **Revised Date**: 09/18/2025 | **Last Reviewed and Revised Date**: 09/18/2025

Policy

Lumen Scholar Institute's Board of Trustees recognizes that students need to be proficient users of information, media, and technology to succeed in a digital world. Therefore, Lumen will use electronic resources as a powerful and compelling means for students to learn core subjects and applied skills in relevant and rigorous ways. It is Lumen's goal to provide students with rich and ample opportunities to use technology for important purposes in school just as individuals in workplaces and other real-life settings. Lumen technology will enable educators and students to communicate, learn, share, collaborate and create, to think and solve problems, to manage their work, and to take ownership of their education.

Internet safety is a priority at Lumen. As a result, Lumen will use reasonable efforts to (1) prevent user access over its computer network to inappropriate material via the Internet, e-mail, or other forms of direct electronic communications; (2) prevent unauthorized access and other unlawful online activity; (3) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (4) comply with the Children's Internet Protection Act.

The Board of Trustees delegates responsibility to the Chief Administrative Officer to create strong electronic educational systems that support innovative teaching and learning; to provide appropriate staff development opportunities that promote appropriate, responsible, and safe technology, network, and Internet use; and to develop procedures to support this policy.

Legal References: 18 USC §§ 2510-2522, Electronic Communication Privacy Act; 47 USC § 254, Children's Internet Protection Act .

1. Electronic Resources: Procedure:
   These procedures are written to support the electronic resources of the school and to promote positive and effective digital citizenship among students and staff. Successful, technologically fluent digital citizens live safely and civilly in an increasingly digital world. They recognize that information posted on the Internet is public and permanent and can have a long-term impact on an individual's life and career. Expectations for student and staff behavior online are no different than face-to-face interactions.
2. Network:
   Lumen's network includes wired and wireless computers and peripheral equipment, files and storage, e-mail and Internet content (blogs, websites, web mail, groups, wikis, etc.). Lumen reserves the right to prioritize the use of, and access to, the network. All use of the network must support education and research and be consistent with the mission of Lumen.
   a. Acceptable network use by Lumen students and staff includes but is not limited to:
      i. Creation of files, projects, videos, web pages and podcasts using network resources in support of educational research;
      ii. Participation in blogs, wikis, bulletin boards, social networking sites and groups and the creation of content for podcasts, e-mail and web pages that support educational research;

iii. With parental permission, the online publication of original educational material, curriculum related materials and student work. Sources outside the classroom or school must be cited appropriately;
iv. Staff use of the network for incidental personal use in accordance with all Lumen policies and guidelines; and
v. Connection of any personal computer or electronic device is subject to all guidelines in this document.

b. Unacceptable network use by Lumen students and staff includes but is not limited to:
i. Personal gain, commercial solicitation and compensation of any kind;
ii. Liability or cost incurred by Lumen;
iii. Downloading, installation and use of games, audio files video files or other applications (including shareware or freeware) without permission or approval from the Director or his/her designee;
iv. Support or opposition for ballot measures, candidates and any other political activity;
v. Hacking, cracking, vandalizing, the introduction of viruses, worms, Trojan horses, time bombs and changes to hardware, software, and monitoring tools;
vi. Unauthorized access to other Lumen computers, networks and information systems;
vii. Cyberbullying, hate mail, defamation, harassment of any kind, discriminatory jokes and remarks;
viii. Information posted, sent or stored online that could endanger others (e.g., bomb construction, drug manufacture);
ix. Accessing, uploading, downloading, storage and distribution of obscene, pornographic or sexually explicit material; and
x. Attaching unauthorized equipment to Lumen network. Any such equipment will be confiscated and destroyed.

c. Lumen will not be responsible for any damages suffered by any user, including but not limited to, loss of data resulting from delays, non-deliveries, mis-deliveries or service interruptions caused by its own negligence or any other errors or omissions. Lumen will not be responsible for unauthorized financial obligations resulting from the use of, or access to, Lumen computer network or the Internet.

3. Internet Safety: Personal Information and Inappropriate Content:
a. Students and staff should not reveal personal information, including a home address and phone number, on websites, blogs, podcasts, videos, wikis, e-mail, social media, instant messaging, chat rooms or as content on any other electronic medium;
b. Students and staff should not reveal personal information about another individual on any electronic medium;
c. No student pictures or names can be published on any class or Lumen website unless the appropriate permission has been verified; and
d. If students encounter dangerous or inappropriate information or messages, they should notify the appropriate school authority.

4. Filtering and Monitoring:
Filtering appliances are used to block or filter Internet access to visual depictions that are obscene, are child pornography, or are harmful to minors in accordance with the Children's Internet Protection Act (CIPA). Filtering software is not 100% effective. While filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. Every user must take responsibility for his or her use of the network and Internet and avoid objectionable sites:
a. Any attempts to defeat or bypass Lumen Internet filter or conceal Internet activity are prohibited, such as proxies, https, special ports, modifications to Lumen browser settings and any other techniques designed to evade filtering or enable the publication of inappropriate content;

b. E-mail inconsistent with the educational and research mission of Lumen will be considered SPAM and blocked from entering Lumen e-mail boxes;
c. Parents/Guardians must provide supervision of Internet use. The first line of defense in controlling access by minors to inappropriate material on the Internet is deliberate and consistent monitoring of student access to Lumen computers;
d. Staff members who supervise students, control electronic equipment, or have occasion to observe student use of said equipment online, must make a reasonable effort to monitor the use of this equipment to assure that student use conforms to the mission and goals of Lumen; and
e. Staff must make a reasonable effort to become familiar with the Internet and to effectively monitor, instruct and assist students with respect to their use of the Internet.

5. Educating:
    a. Lumen staff must regularly educate its students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.
6. Copyright:
    a. Downloading, copying, duplicating and distributing software, music, sound files, movies, images or other copyrighted materials without the specific written permission of the copyright owner is generally prohibited. However, the duplication and distribution of materials for educational purposes are permitted when such duplication and distribution fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC) and content is cited appropriately. All student work is copyrighted. Permission to publish any student work requires permission from the parent or guardian.
7. Network Security and Privacy:
    a. System logins and accounts are to be used only by the authorized owner of the account, for authorized Lumen purposes. Students and staff are responsible for all activity on their account and must not share their account password; and
    b. Administration shall ensure that school faculty, staff, and students are trained in proper network security procedures, including the protection of passwords and the prohibition of the use of another user's network account.
8. Student Data is Confidential:
    a. Lumen staff must maintain the confidentiality of student data in accordance with the Family Educational Rights and Privacy Act (FERPA), Chapter 9 of Title 53E of the Utah Code, and Utah Administrative Code Rule R277-487.
9. No Expectation of Privacy:
    a. Lumen provides the network system, e-mail and Internet access as a tool for education and research in support of Lumen's mission. Lumen reserves the right to monitor, inspect, copy, review and store, without prior notice, information about the content and usage of:
        i. The network;
        ii. User files and disk space utilization;
        iii. User applications and bandwidth utilization;
        iv. User document files, folders and electronic communications;
        v. E-mail;
        vi. Internet access; and
        vii. Any and all information transmitted or received in connection with network and e-mail use.

* No student or staff user should have any expectation of privacy when using Lumen's network. Lumen reserves the right to disclose any electronic message to law enforcement officials or third parties to the extent permitted by law. Documents may be subject to the public records disclosure laws of the State of Utah.

10. Archive and Backup:
    a. Regular backup shall be made of all Lumen materials (including e-mail correspondence) for purposes of public disclosure and disaster recovery.
11. Disciplinary Action:
    a. All users of Lumen electronic resources are required to comply with Lumen policy and procedures and to agree to abide by the provisions set forth in Lumen's Computing Device Policy and Agreement. Violation of any of the conditions of use explained in this or any other policy related to Electronic Resources may be cause for disciplinary action, up to and including suspension or expulsion from school and suspension or revocation of network and computer access privileges for students, and up to and including termination of employment for employees.
12. Use of Personal Electronic Devices:
    a. Consistent with Utah Code § 53G-7-227, students may use personal electronic devices during class time and during school-sponsored activities:
        i. To respond to an imminent threat to the health or safety of an individual;
        ii. To respond to a school-wide emergency;
        iii. To use the SafeUT Crisis Line;
        iv. For their IEP or Section 504 accommodation plan; or
        v. To address a medical necessity.

VOLUNTEERS

Original Adopted Date: 06/13/2017

1. Volunteers are welcome and encouraged to ensure that parents and the larger school community are connected to the school and to reduce the cost of labor at the school. However, the school is not required to utilize volunteers and a volunteer may be denied for any reason at the sole discretion of the school administration.

2. Volunteers shall not include a parent or guardian supervising their own student(s) exclusively.

3. Volunteers shall not be utilized where their presence is considered disruptive to the educational environment.

4. Volunteers may not bring non-students or students who are not part of the volunteer's assignment with them when volunteering for the School.

5. The School administration is responsible for the use and oversight of volunteers and may assign an employee(s) to organize and ensure the appropriate process is followed when utilizing volunteers. This assignment may be done as part of their job description.

6. The Board of Trustees authorizes the School administration to establish a framework for volunteers to operate within the school which may include: training, background checks (required if allowed significant unsupervised access to students), and confidentiality agreements.

7. The Board authorizes school administration to develop administrative regulations that comply with this policy.

THIRD PARTY EDUCATIONAL SERVICE PROVIDERS

Original Adopted Date: 06/13/2017

Purpose

To ensure compliance with state laws and rules regarding the use of third party educational service providers.

Policy

1. Third Party Educational Providers:

a. The school is authorized to use third party providers for educational services in accordance with Utah state laws, rules, and code;

b. A written monitoring plan shall be developed by the administration to supervise educational services provided by third parties. The monitoring plan shall include procedures for maintaining written documentation of the supervisory activities performed by the school; and

c. Documentation of supervisory activities shall be retained according to the school's Records Retention Policy.

WITHDRAWAL/TRANSFER

Original Adopted Date: 07/14/2015

Policy

1. In accordance with Utah State Code Section 53A-1A 506.5 (2), the parent of a student enrolled in a charter school may withdraw the student from that charter school for enrollment in another charter school or a school district by:

a. Submitting notice of intent to enroll the student in the district of residence for the subsequent year to the student's charter school no later than June 30 of the current school year;

b. Submitting notice of intent to enroll the student in another charter school for the subsequent school year to the current charter school of attendance, together with a letter of acceptance from the proposed charter school of attendance, no later than June 30 of the current school year; or

c. Obtaining approval from both the charter school of attendance and the school district or charter school in which enrollment is sought, if the parent desires to change the student's enrollment during the school year or after June 30.

NOTE: This means that a family has the right to withdraw from Lumen and re-enroll in a local district school without further procedure through June 30th before the school year starts. However, after June 30th, both the school from which a student is withdrawing as well as the prospective school for enrollment must authorize the change. Families run no risk of being denied re-enrollment in the local district school up through June 30th before the school year starts.

2. Lumen students will undergo assessment and attend a PALM meeting prior to a deadline determined by the school each year. Students will be automatically unenrolled for failure to meet this criteria by the specified deadline.

3. The intent of this policy is to help Lumen to have a solid projection of enrollment no later than June 30th for the purposes of staffing/hiring.

YOUTH SUICIDE PREVENTION

Original Adopted Date: 11/21/2019

1. ACKNOWLEDGMENTS AND STANDARDS

A. The purpose of this policy is to protect the health and well-being of all students by requiring procedures to be in place to prevent, assess the risk of, intervene in, and respond to suicide.

B. The school:

i. Recognizes that physical and mental health are integral components of student outcomes, both educationally and beyond graduation

ii. Further recognizes that suicide is a leading cause of death among young people

iii. Has an ethical responsibility to take a proactive approach in preventing deaths by suicide

iv. Acknowledges that comprehensive suicide prevention policies include prevention, intervention, and postvention components

C. This policy is meant to be paired with other policies supporting the overall emotional and behavioral health of students.

D. This policy covers actions that take place in the school's physical facility, digital classrooms, school-sponsored email and learning management platforms, at school-sponsored functions and activities, and on school sponsored transportation.

E. This policy and its corresponding administrative regulation applies to the entire school community, including educators, staff, students, parents/guardians, and volunteers.

F. This policy also covers appropriate school responses to suicidal or high-risk behaviors that take place outside of the school environment.

G. The school will implement a youth suicide prevention program for grades 6-12.

2. DELEGATION OF RESPONSIBILITY

A. The Board of Trustees delegates responsibility to the Operations Director to implement state laws and rules regarding this policy and to establish and implement appropriate administrative regulations.

B. A suicide prevention coordinator shall be appointed by the administration to act as a point of contact for issues relating to suicide prevention and policy implementation. This may be an existing staff member.

C. The Director of Operations, other administrators, and the suicide prevention coordinator shall be responsible for planning and coordinating the implementation of this policy and the development of corresponding administrative regulation.

D. All staff members are responsible for reporting students they believe to be at-risk for suicide to the school's suicide prevention coordinator or Operations Director if the coordinator is unavailable.